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THE HISTORY OF ENGLAND
FROM THE ACCESSION OF JAMES I
TO THE ELEVATION OF
THE HOUSE OF HANOVER:
BY CATHARINE MACAULAY.
EDIT. III. VOL. I.

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C O N T E N T S.

INTRODUCTION.

v

J A M E S I.

C H A P. I.

*Accession of James.——Treaty with France.——
Conspiracy against the King.——Conference at
Hampton-Court.——A Parliament.——Treaty of
Peace with Spain.* page i

C H A P. II.

*Gun powder plot.——Punishment of the conspirators.
——Parliament.——Report of the King's death.
——Subsidies granted by parliament.——The Spa-
niards contemn James.* 23

C H A P. III.

*Parliament.——Prorogation.——Affairs of Holland.
Re-meeting of parliament.——Death of the king
of France.——Prorogation and dissolution of the
parliament.——Affairs of Scotland.* 38

C H A P. IV.

*Rise of Somerset.——Death of prince Henry.——
Marriage of the princess Elizabeth.——Origin of
baronets.——Parliament.——Dissolution of the
parliament.——Overbury's murder.——Rise of
George Villiers.——Fall of Somerset.* 66

C H A P. V.

*Coke's opposition.——He is deprived of his office.——
Cautionary towns delivered.——Affairs of Scot-
land.——Ireland.——Holland.——Sir W. Raleigh's
expedition.——His fatal end.——His character.* 94

C H A P. VI.

*Negotiations with Spain.——Commutations in Germany.——
Prince Palatine elected king of Bohemia.——Bohemia
invaded.——Ruin of the Palatinate.——Parliament.
——Fall of Bacon.——Protestation of the Commons.
——Dissolution of the Parliament.* 132

C H A P. VII.

*Distressed state of the Protestants.——Unjust treat-
ment of Sir Edw. Coke.——Imprisonment of seve-*

C O N T E N T S.

ral members of parliament, and others.——Transfer of the electoral dignity from prince Frederic to the duke of Bavaria.——Negotiations with Spain.——Prince of Wales's journey to Madrid.——Transactions during the prince's stay at Madrid.——His return to England. 176

C H A P. VIII.

Influence of Buckingham.——Parliament.——Treaties with Spain laid before the house.——Rupture with Spain.——Parliament prorogued.——Marriage-treaty with France.——Mansfeild's expedition.——Massacre at Amboyna.——Death of King James.——His character. 220

C H A P. IX.

State of the civil and ecclesiastical government of England at the accession of the Stewart family.——Causes of the change of government which took place during the administration of the Stewart family.——State of trade.——State of the finances during the reign of King James. 259

C H A R L E S I.

C H A P. I.

Accession of Charles.——His marriage.——A parliament at Westminster.——Second session of parliament at Oxford.——Naval expedition against Spain.——Third session of parliament.——Impeachment of Buckingham.——Dissolution of the parliament. 269

C H A P. II.

Violent measures of the court.——A loan exacted.——Commitment of many who refused.——Trial concerning the King's power of commitment.——War with France.——Expedition to the Isle of Rhee.——Distressed state of the Rockellers.——Third parliament.——The judges questioned by the house of Lords.——Petition of Right.——Prerogation of the parliament. 334

INTRODUCTION.

THOUGH the rectitude of my intention has hitherto been, and, I trust in God, ever will be, my support, in the laborious task of delineating the political history of this country, yet I think it incumbent on me to give the public my reasons for undertaking a subject which has been already treated by several ingenious and learned men. From my early youth I have read with delight those histories which exhibit Liberty in its most exalted state, the annals of the Roman and the Greek republics. Studies like these excite that natural love of Freedom which lies latent in the breast of every rational being, till stifled by prejudice, or extinguished by the sordid allurements of private interest.

THE effect which almost constantly attends such reading operated on my inclinations in the strongest manner, and Liberty became the object of a secondary worship in my delighted imagination. A mind thus disposed can never see through the medium held up by party-writers; or incline to that extreme of candor, which, by coloring the enormous vices, and magnifying the petty virtues, of wicked men, confound together in one undistinguished groupe the exalted patriots who have illustriously figured in this country, with those time-serving placemen who have sacrificed the most essential interests of the public to the baseness of their private affections.

THE societies of the modern ages of the world are not constituted with powers to bring to an impartial tribunal men trusted in the higher offices of the state. Fame is the only re-ward

ward which, in the present times, true virtue hath to hope; and the only punishment which the guilty great have to apprehend is eternal infamy. The weight of punishment ought ever to be determined by the importance of the consequences which attend the crime: In this balance the vices of men in public characters can admit of no alleviation. A good citizen is a credit to his country, and merits the approbation of every virtuous man. Patriots who have sacrificed their tender affections, their properties, their lives, to the interest of society, deserve a tribute of praise unmixed with any alloy. With regret do I accuse my country of inattention to the most exalted of their benefactors: Whilst they enjoy privileges unpossessed by other nations, they have lost a just sense of the merit of the men by whose virtues these privileges were attained; men who, with the hazard and even the loss of their

lives attacked the formidable pretensions of the Stewart family, and set up the banners of Liberty against a tyranny which had been established for a series of more than one hundred and fifty years ; and this by the exertion of faculties, which, if compared with the barren produce of modern times, appear more than human. Neglect is not the only crime committed against these sacred characters : Party prejudice, and the more detestable principle of private interest, have painted the memoirs of past times in so false a light, that it is with difficulty we can trace features, which, if justly described, would exalt the worthies of this country beyond the fame of any set of men, which the annals of other nations can at any one period produce.

To do justice therefore to the memory of our illustrious ancestors to the utmost extent of my small abilities,

ties, still having an eye to public Liberty, the standard by which I have endeavored to measure the virtue of those characters which are treated of in this history, is the principal motive which induced me to undertake this intricate part of the English annals. If the execution is deficient, the intention must be allowed to be meritorious; and if the goodness of my head may justly be questioned, my heart will stand the test of the most critical examination. In this country, where luxury has made a great progress, it is not to be supposed that the people of fortune will fathom the depth of politics, or examine the voluminous collections in which can only be found a faithful representation of the important transactions of past ages. It is the business of an historian to digest these, and to give a true and accurate sense of them to the public. I have ever looked upon a supposed knowledge of facts seen in the false mirror of misrepresentation as one of
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the great banes of this country. Individuals may err, but the public judgment is infallible. They only want a just information of facts to make a proper comment. Labor to attain truth, integrity to set it in its full light, are indispensable duties in an historian. I can affirm that I am not wanting in those duties. The invidious censures which may ensue from striking into a path of literature rarely trodden by my sex, will not permit a selfish consideration to keep me mute in the cause of liberty and virtue, whilst the doctrine of slavery finds so many interested writers to defend it by fraud and sophistry, in opposition to the common reason of mankind and the experience of every age. Absurd as are the principles and notions on which the doctrine of arbitrary power is established, there have been ever in this country found many to adopt it. The vulgar are at all times liable to be deceived ; and this nation has ever
pro-

produced a number of bad citizens, who, prone to be corrupted, have been the ready tools of wicked ministers, and the zealous partizans in a cause big with the ruin of the state, and the destruction of that felicity which the individuals of this country have for some years enjoyed. It is justly remarked by an able writer, "That there may be a faction for the crown as well as against it, and conspiracies against Freedom as well as against Prerogative." Whoever attempts to remove the limitations necessary to render monarchy consistent with Liberty, are rebels in the worst sense; rebels to the laws of their country, the law of nature, the law of reason, and the law of God. Can there be such men? Was I to put the question to my own heart, it would answer, that it was impossible there should be such. But the annals of this country have a shameful tale to tell, that such a fac-

4

tion

tion has ever existed in this state, from the earliest period of our present constitution.

THIS faction has not only prevented the establishing any regular system to preserve or improve our liberties ; but lie at this time in wait for the first opportunity which the imperfections of this government may give them to destroy those rights, which have been purchased by the toil and blood of the most exalted individuals who ever adorned humanity. To shew the causes of so great a malignancy it will be necessary to observe, that there are in every society a number of men to whom tyranny is in some measure profitable ; men devoid of every virtue and qualification requisite to rise in a free state : The emoluments and favors they gain for supporting tyranny are the only means by which they can obtain distinctions ; which, in every equal government, are the rewards
of

of public service. The selfish affections of these men, exalted above worthier citizens, fancy a recompence in this exaltation ample enough for the sacrifice of their Liberty. To avoid the censures of injured posterity, their children are brought up in the doctrine of a necessary servitude, and are taught to regard the champions of Liberty as the disturbers of the peace of mankind. Hence is produced a numerous class of men, who having been educated in the principles of slavery, become the deluded instruments of all the villainous purposes of mean ambition.

SOME there are, who, envying the reputation which illustrious characters have acquired, bend their endeavors to destroy the genuine notions of virtue and public utility, on which the fame of great men is built. Others, whose affections are of so base an alloy, that they envy the independency which e-
very

very individual of this country may enjoy, and would willingly forfeit that natural privilege to superior tyrants provided they might have the power of domineering over the lower class of people. Others again, who, having drudged through what is called a regular education, with much learning, or rather reading, but without judgment to have acquired real knowledge, become a magazine of other men's conceits, and commence the disciples of the first doctrine which accident flings in their way. These scholars, in the pursuit of science, lose the distinctions of common sense, and are as obstinately fixed in the prejudices of the authors with whom they have conversed, as if these prejudices were the produce of their own imaginations. Hence proceed those opposite opinions among the speculative part of mankind, in regard to popular and monarchical privileges. All men can acquire the jargon of
terms,

terms, but the depth of science is only to be attained by genius. The greater proportion of ignorance there may be in a disputant, the more reluctant he is to give way to reasoning which contradicts the borrowed opinions he has taken in the gross ; he looks with a sovereign contempt on his antagonist, not because he can confute his arguments, but because his arguments contradict the tenets which have been laid down by Hobbes, and other writers of that stamp. Unequal to the combat, he skirmishes at a distance, wilfully converses in generals, and never enters into those particulars which may investigate the subject. Men like these, without the desire of attaining truth, wrangle but for victory ; and if they have sense enough to see their mistakes, they never have candor enough to acknowledge them.

THE general education of the English youth is not adapted to cherish
those

those generous sentiments of Independency, which is the only characteristic of a real gentleman. The business of the public schools is nothing more than to teach the rudiments of grammar, and a certain degree of perfection in the Latin and Greek tongues. Whilst the languages of these once-illustrious nations are the objects of attention, the divine precepts which they taught and practised are totally neglected. From the circle of these barren studies, the school-boy is transplanted into the university. Here he is supposed to be initiated in every branch of knowledge which distinguishes the man of education from the ignorant herd; but here, as I am told and have great reason to believe are taught doctrines little calculated to form patriots to support and defend the privileges of the subject in this limited monarchy. “ In these seats of education, says an ingenious author, instead of being
formed

formed to love their country and constitution, the laws and liberties of it, they are rather disposed to love arbitrary government, and to become slaves to absolute monarchy. A change of interest, provocation, or some other consideration, may set them right as to the public ; but they have no inward principle of love to their country and of public Liberty ; so that they are easily brought to like slavery, if they may be made the tools of managing it." The study of history is little cultivated in these seminaries ; and not at all those fundamental principles of the English constitution on which our ancestors founded a system of government, in which the Liberty of the subject is as absolutely instituted as the dignity of the sovereign. Yet the knowledge of these fundamental principles are as necessary to understand this system of government, as the knowledge of them was necessary to construct it.

THE form of the constitution may be preserved, when the spirit of it is lost ; and nothing is more likely to happen, whilst those persons who are appointed to maintain it are ignorant of those fundamental principles, whereon the barriers which defend civil liberty from prerogative are founded. Prejudice with a love of slavery, or at least ignorant of the advantages of Liberty, the last part of the education of the men of fortune in this country is what is called the tour of Europe ; that is, a residence for two or three years in the countries of France and Italy. This is the finishing stroke, which renders them useless to all the good purposes of preserving the birth-right of an Englishman. Without being able to distinguish the different natures of different governments, their advantages, their disadvantages ; without being able to comprehend how infinitely they affect the interest

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and

and happiness of individuals, they grow charmed with every thing which is foreign, are caught with the gaudy tinsel of a superb court, the frolic levity of unreflecting slaves ; and thus, deceived by appearances, are riveted in a taste for servitude.

THESE are the causes which occasion the irrational inclinations of many of the English people in regard to government : and would to God that these, though very important in themselves, were the only ones which Liberty had to fear. In forming this government, a latent evil crept into the vitals of the state, and hath in the course of time poisoned every part of the constitution. Corruption, that undermining mischief, hath sapped the foundation of a fabric, whose building was cemented with the blood of our best citizens. The growing evil hath spread far and wide, tainted the

minds of men with such an incurable degeneracy, that the virtue of our forefathers is become the ridicule of every modern politician.

It is become an established maxim, that corruption is a necessary engine of government. There are some among us who have not been ashamed to say, that it is proper for the other parts of the legislature to depend on the monarch by corruption. How opposite this is to the genius and spirit of our constitution, is too apparent to need a proof. That the consequences of it are already severely felt in this country, our debts and heavy taxes fatally demonstrate: How destructive it is to every virtue which preserves society, or dignifies human nature, is also apparent. This is a sad but certain truth, that corruption is so general among us that it has dissolved the sacred bonds of mutual trust. By the
in-

influence of bribery, every man in these days has a triple temptation to sin against his country : The emoluments of favor ; the fear of being laughed at for his honesty ; of being abandoned by his associates, and left single to stand the insults of a victorious faction.

IF I have digressed from the subject I set out with, which was to inform the public of my intention in writing this History, they will, I hope, excuse a warmth which national evils have excited in a breast zealous in the cause of Liberty, and attached with a fervent devotion to the civil rights of my country. There remains nothing now but to assure my readers, that I shall finish this period of history, to the elevation of the Hanover-Line, with the same indefatigable industry as I have executed this small part of it: and having nothing so much in view as the investigation of truth, shall pursue it with
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an integrity which, I think, cannot justly be called in question by the most invidious inquisitor.

The inaccuracies of style which may be found in this composition, will, I hope, find favor from the candor of the public; and the defects of a female historian, in these points, not weighed in the ballance of severe criticism.

ADDRESS

ADDRESS to LIBERTY.

O H, first and most benevolent of powers !
Come from eternal splendors ; here on earth,
Against despotic pride, and rage, and lust,
To shield mankind ; to raise them to assert
The native rights and honor of their race.
Teach me, thy lowest subject, but in zeal
Yielding to none, the PROGRESS OF THY REIGN ;
And with a strain from thee enrich the Muse :
As THEE alone she serves, her patron THOU,
And great inspirer be : Then will she joy,
Tho' narrow life her lot, and private shade.
And when her venal voice she barters vile,
Or to thy open or thy secret foes,
May ne'er those sacred raptures touch her more,
By slavish hearts unfelt ! and may her WORK
Sink in oblivion with the nameless crew,
Vermin of state ! to thy o'er-flowing light
That owe their being, yet betray thy cause.

THOMSON.

T H E
H I S T O R Y
O F
E N G L A N D.
J A M E S I.

C H A P. I.

*Accession of James.—Treaty with France.—
Conspiracy against the King.—Conference at
Hampton-Court.—A Parliament.—Treaty of
Peace with Spain.*

ON the decease of Elizabeth, James VI. Ann. 1603,
of Scotland succeeded to the throne of
England. By the connection of the fa-
mily of the Stewarts with the Tudors, through
Margaret the daughter of Henry VII. he claim-
ed superiority of title ; but to the nomination of
Elizabeth he owed his peaceable ascent to the
throne. This princess, by a long reign and
many favorable concurring circumstances, had
gained an entire ascendancy over the hearts and opi-
nions of her subjects, notwithstanding that, during
the course of her government, she had exerted very
arbitrary principles of sovereignty ; to which she
was enabled by the yet-cherished opinion of royal
prerogative, and the continuation of the same re-

Anno 1603. religious factions which had supported a like exertion in the reign of her father Henry VIII. and her sister Mary.

Elizabeth died on March 24, 1603, after a prosperous reign of forty-four years. Her good fortune is in nothing more conspicuous, than in the unmerited fame it has to this day preserved to her. The vices of this princess were such as could not exist with a good heart, nor her weaknesses with a good head: but to the unaccountable caprice of party-zeal she owes the reputation of qualities which would do honor to a masculine mind.

James proclaimed.

Six hours after her decease, James her successor was proclaimed. Great was the impatience of the people to behold their new sovereign; no less impatient was their sovereign to take possession of his new dignity. His immediate journey from Edinburgh to London followed the joyful news of his accession*. The concourse of people whom idleness, curiosity, and interest, had brought together, was so offensive to him during his progress, that he issued a proclamation, forbidding such a tumultuous resort. His ignorance of the laws of England, and the high idea he had conceived of his present power by the arbitrary proceedings of his predecessors, made him, upon his arrival at Newark, guilty of the absurd violence of hanging a thief without form or

* The following is a curious passage in a letter which James wrote from Edinburgh to the lord-mayor, aldermen, and common-council of London, on hearing that he had been proclaimed King. "Do all whatsoever things you shall find necessary or expedient for the good government of the said city in execution of justice, as you have been used to do in our dearest sister's time, till our pleasure be known unto you to the contrary." MSS. in Br. Museum, fol. 7021.

trial *. His severity was soon after exercised on Valentine Thomas, of whom he had complained to Elizabeth that he had calumniated his conduct. This unfortunate man was in prison on this account, at the time of James's accession; who immediately brought him to a trial, and obtained his condemnation on the pretence of a conspiracy against Elizabeth and some of her council. Ann. 1603.
Stow's Annals, 1631,
p. 821.
Stow, p. 825.

The first national transaction in which he engaged was a treaty with France, extorted from him by the importunity of Rosny †, whom Henry IV. had sent into England for that purpose. The articles contained a defensive league between France and England; and offensive, if the Spaniards, who were the then-dreaded power in Europe, should attempt the Netherlands. This success of Rosny was extraordinary, because James had an aversion to the Dutch for their principles of freedom. His chief counsellor at this time was Cecil, created by him successively lord Effindon, viscount Cranbourn, and earl of Salisbury ‡. The present favor of this minister surprised every body; he was naturally odious Treaty with
France.

* The manner in which he was addressed by his new subjects did not a little contribute to give him romantic notions of his present fortune. The letter the council wrote to him, to notify their having proclaimed him King, begins with these words: "Right high, right excellent, and mighty prince, and our dread sovereign lord."

† Afterwards duc de Sully. It appears from Sully's Memoirs, that both the kings of France and Spain distributed large sums among James's ministers and courtiers, to bribe them to their respective interests.

‡ James was so lavish of his favours, that in the course of this year he created fourteen peers; and from April 6 to May 20 he had made two hundred and thirty-seven knights. The earl of Southampton and the young earl of Essex were restored to their titles.

Ann. 1603. to James on account of his father's enmity to Mary, and his own opposition to his partizan the earl of Essex : but this cunning courtier had ingratiated himself by a secret commerce during the latter years of Elizabeth's life. Not so was the fate of Sir William Raleigh, a leader in all the intrigues in which Cecil had been engaged, excepting the last.

Conspiracy
against the
king.

Among the many discontented courtiers which a change of royal favor had occasioned, Raleigh and the lords Grey and Cobham were the most turbulent. Their indiscretion ran so high as to affect their lives and fortunes. A kind of conspiracy * with Aremberg the Flemish ambassador was charged against them and three other commoners ; viz. Sir Griffith Markham, Anthony Copley, and George Brook, brother to the lord Cobham. The grounds of their accusation were some bold imprudent words spoken in the height of resentment. The issue of it was the condemnation of all the accused ; though Sir Walter Raleigh could not be brought in guilty without the violation of a very essential law in the constitution, there being no other evidence than a written one † to appear against him. To all but

* The purport of the conspiracy was to set Arabella Stewart, the King's cousin-german, upon the throne.

† This was the lord Cobham's. This nobleman had been betrayed into an accusation of Raleigh ; but, on a fit of sickness, he wrote the following letter to him : " Seeing myself so near my end, for the discharge of my conscience, and freeing myself from your blood, which else will cry vengeance against me, I protest upon my salvation I never practised with Spain by your procurement. God so comfort me in this my affliction, as you are a true subject, for any thing I know. I will say as Pilate, *Purus sum a sanguine hujus*. So God have mercy on my soul as I know no treason by you."—This letter was produced in court by Raleigh : but his enemies brought a written evidence contradictory to the

Brook the sentence of death was mitigated to imprisonment *. Ann. 1603.

The plague at this time raged with such unsparing violence, as to carry off thirty thousand of the inhabitants of London† only. To the Roman Catholics was superadded another mortification. The bigotry of Mary, the mother of James, to their faith, had filled them with a flattering assurance of favor from her son; but the denial of a toleration, which they strenuously solicited, convinced them that their hopes were vain. Stow, p. 857.

Of all the qualities which marked the character of James, there was none more contemptible than a pedantic disposition, which he had attained from a narrow, though laborious, education. Some school-learning he had, the fruits of that unwearied application which is often united to mean parts; of that learning he was ridiculously vain. His vanity was much heightened by the flattery he had met with from the minions of his English court. He was eager for an opportunity of displaying it to the whole nation. The

the sense of this letter, signed by the lord Cobham. Raleigh desired his accuser might be brought face to face; this was denied, his defence over-ruled, and the jury, after a quarter of an hour's consultation, brought him in guilty. Cobham afterwards declared, that his name to that letter on which Raleigh was condemned was fraudulently obtained. *State Trials*, vol. I. page 183. *Sir Anthony Weldon's Court of King James*, 1651, p. 36. *Guthrie*, vol. III. p. 629.

* The lord Cobham, the lord Gray, and Sir Griffith Markham, were brought to the block, before the warrant of reprieve was produced. They all three lived and died in great penury. Two priests, Watson and Clerk, were convicted of being accomplices in this conspiracy, and executed.

† This city is said to have contained but one hundred and fifty thousand inhabitants at this time.

Ann. 1604. opportunity was afforded him by a petition from the * Puritans for a reformation of fundry articles of the established church. James gave them hopes of an impartial debate, though he mortally hated all the reformers, for the restraints they had laid upon him in his Scotch government; restraints which were altogether incompatible with that fond idea he had entertained of monarchical power. In this debate James was to preside as judge; and an assembly of churchmen and ministers met at Hampton-Court for this purpose. From judge he turned principal disputant, silencing all opposition by his authority and loquacity. The issue of the conference was an injunction to the ministers to conform. James closed his many arguments with these powerful ones: "That presbytery agreed as well with monarchy as God with the devil; that he would not have Tom and Dick and Will meet to censure him and his council;" a demonstration strong of the impartiality he had promised. The ministers were obliged to acquiesce, without other conviction than that they were mistaken in the hopes they had formed from his education. Great was the exultation and adulation of the churchmen and courtiers on this occasion. Chancellor Egerton cried out, "He had often heard that the royalty and priesthood were united, but never saw it verified till now." Archbishop Whitgift carried his flattery still farther; "He verily believed the king spoke by the spirit of God †."

Conference
at Hampton-
Court.

* This petition was signed by seven hundred and fifty clergymen. *Fuller's Church Hist.* Lond. 1655, b. X. p. 7.

† James began the conference by exclaiming against the Scotch church. "Blessed be God's gracious goodness, said he, who hath brought me into the promised land; where religion

Two proclamations followed this decision; Ann. 1604.
 one commanding all Jesuits and priests who had orders from any foreign power to depart the kingdom *; the other enjoining the Puritans to conform to the established church. In the spirit of the one, James plainly shewed that his sole objection to the popish tenets was their not allowing his supremacy: he intimated in it, that he would have a regard for the tender consciences of those who could not comply with the church. That against the Puritans banished all hopes of a like indulgence †.

religion is purely professed; where I sit among grave, reverend, and learned men; not as before elsewhere, a king without state, without honor, without order, where beardless boys would brave us to our face." There were no small reasons for James's zeal for the English hierarchy. Many of the prelates complimented him with unlimited power; while the dissenters hampered him with the doctrines of law and conscience. After he had answered the objections urged by the presbyterian ministers with the same logic as may be found in the specimens already mentioned, he added, "If this be all your party hath to say, I will make them conform themselves, or else I will *barrie* them out of the land, or else do worse, only hang them, that's all."

* At the end of this proclamation is a hint towards a political uniformity in matters of religion between all Christian monarchs. To this scheme, which James had early planned, may be imputed many of those absurdities which frequently occur in his conduct.

† The Puritans about this time suffered so severe a persecution, that they were driven to offer a petition for relief to the King, whilst he was taking the diversion of hunting. James was something startled at this unexpected intrusion, and very graciously directed them to depute ten of their members to declare their grievances to the council. These deputies no sooner made their appearance before the council than they were sent to jail; and Sir Francis Hastings, Sir Edward Montague, and Sir Valentine Knightly, under whose protection they had thus acted, were turned out of the lieutenancy of the county and the commission of the peace. *Winwood's Memorials*, 1625, vol. II. p. 36, 48.

Ann. 1604.

James now tasted of all the enjoyments he most affected; surrounded with flatterers, he snuffed up continually the incense of his own praise *. With the reputation of business, he indulged his passion for idleness. He affected to decide, by his judgment, all affairs both civil and religious; yet devoted his whole time to amusement. His days were spent in hunting or idle composition; his evenings in all the variety of entertainments which the ingenuity of the queen his wife could procure him. Of the Scotch gentry, those who followed the court, or were attached to the hierarchy, imitated much the levity and freedom of French manners; on the contrary, those who were attached to puritanism affected severity and reserve. The present fortune and favor of James gave many of the first an opportunity of indulging their taste, in a more expensive manner than the narrowness of their former circumstances would admit †. This humor coincided exactly with that of their prince.

Among the number of proclamations which were continually issued from royal authority, there was one ordaining an annual festival in remembrance of the king's deliverance from the famous Gowry conspiracy. This was a compliment which the Scotch presbytery had denied

* He was extolled as the Solomon of the age, and was the first King of England flattered with the absurd title of Sacred Majesty.

† The first disgust which James gave his English subjects, was the profusion of favours he bestowed on his Scotch followers. The duke of Lenox, the earl of Mar, the lord Hume, lord Kinloss, Sir George Hume, and secretary Elphinston, were added to the privy council. Sir George Hume was created earl of Dunbar; Hay was created viscount Doncaster, then earl of Carlisle; and Ramsay was created earl of Holderness.

him,

him, under the mortifying circumstance of not Ann. 1604. confiding enough in his veracity, to be certain of its reality.

The time for the expected meeting of the parliament now approached. A proclamation which Proclamation. came out with the writs was remarkable for the fairness of its aspect, and the perniciousness of its tendency: prohibitions which interfered with the subjects right of electing, were veiled with an appearance of candor which shaded their consequences from the eyes of the ignorant.

On the nineteenth of March, the great council of the nation met. James was determined to shine in the double capacity of king and orator, and addressed the assembly in a copious harangue. After having thrown out many hints concerning the sufficient right he had attained from his title, he expressed his satisfaction for the cordial reception he had received from his subjects, on his first entry into his new kingdom. Parliament.

“ Shall I ever, said he, nay, can I ever be able, or rather so unable, in memory, as to forget your unexpected readiness and alacrity, your ever-memorable resolution, and your most wonderful conjunction and harmony of your hearts, in declaring and embracing me as your undoubted and lawful king and governor? or shall it ever be blotted out of my mind, how at my first entry into this kingdom, the people of all sorts rid and ran, nay rather flew to meet me: their eyes flaming nothing but sparkles of affection; their mouths and tongues uttering nothing but sounds of joy; their hands, feet, and all the rest of their members, in their gestures discovering a passionate longing and earnestness to meet and embrace their new sovereign.” He then expatiated on the manifold blessings England had Journals of the Commons, vol. I p. 142. received

Ann. 1604. received in his person, which would make their measure of happiness full, if the two nations were united in one kingdom. "He was the husband, he said, and the whole island his lawful wife; and he hoped no one was so unreasonable as to think, that a Christian king under the Gospel should be a polygamist, and husband two wives." He opened to them his opinion and intentional conduct towards the Papists and Dissenters. "He acknowledged the Roman-Catholic to be the mother church, though defiled with some impurities. He did not wish the down-throwing of the temple, but that it might be purged and cleansed from corruption; he had not, like Rehoboam, increased their burdens, but lightened them, as much as time, occasion, or law, could permit; and was even then considering how some overtures might be proposed to the present parliament, to lighten the burden of laws against them. He would be content, for his part, to meet them half way, so that all novelties might be renounced on both sides. As to the sects of Puritans and Novellists, being impatient of superiority, they were insufferable in any well governed commonwealth; his course towards them he remitted to his proclamation made on that subject."

This speech, which was tediously prolix, did not gain the applause, nor produce the satisfaction which James expected; or rather it dissatisfied every body. The Roman Catholics were not content with his distinctions, though he had hinted that his only objection to their faith was the single tenet of allegiance to the Pope. The Puritans, a then-numerous sect in England, were exasperated at his branding them as a pestilent set of people, destructive to the common-weal. The
Protestants

Protestants in general disliked his favorable declarations to the Papists, and the whole nation was offended at the hints he threw out towards an union with Scotland. Anno 1604.

After a recognition of the king's title, the first motion of the Commons was for the redress of grievances. The following ones, as the most notorious, were enumerated by Sir Robert Wroth: The wardships of mens children, a burden and servitude to the subjects of this kingdom: The general abuse and grievance of purveyors and cart-takers: Particular and private patents, commonly called Monopolies*: Dispensations in penal statutes: Transportations of ordnance†: Abuses of the Exchequer. Journals of Commons, vol. I. p. 151.

In a conference‡ with the Lords on a project to petition the King for leave to take into consideration a recompence to be given in exchange for wardships§, the Lords heartily joined in the cause,

* On the subject of monopolies, it was ordered by the lower house, "That those who find just cause of grievance should bring in their complaints in writing, to the end they might be understood and considered of by the committees; and a law framed thereupon according to the cause."

† This article, which brought to the crown an income of 3000 l. a year, had been often represented by the Commons, during the administration of Elizabeth, as a great grievance to the nation, by supplying their enemies the Spaniards with these tremendous arms on easy terms.

‡ In this conference was flung out an extraordinary argument for this time; "That a people may be without a King, a King cannot be without a people." *Journals of the House of Commons*, vol. I. p. 156.

§ The Commons appealed to the laws of nature and reason for the equitableness of their demand in respect to wardships. "It is but a restitution, said they, of the original right of all men by the laws of God and nature; which is, that children should be brought up by their parents and next of kin, and by them to be directed in their marriage." *Journals of the Commons*, vol. I. p. 227.

and

Ann. 1604. and recommended to them to comprize in the petition, purveyorship, licence of alienation, respite of homage, and other burthens, which stretched prerogative had made intolerable.

These spirited exertions were rendered useless by an incident which disturbed the concord now subsisting between the two houses. One of the prohibitions in the King's proclamation was, that no outlaw should be returned. Sir Francis Goodwin was pronounced such by the chancellor, his seat vacated, and Sir John Fortescue, an old servant of the crown and favorite with the ministry, chosen in his room. The house reversed the chancellor's decree, and restored Sir Francis Goodwin. The Lords, by the instigation of the King, who thought his authority affected, desired a conference on the subject. The commons peremptorily refused it, as the point in question regarded their own privileges. This occasioned expostulations between the King and the Commons. The King said, "He was loath to alter his tune, and that he should now change it into matter of grief by way of contestation. He did sample it to the murmurs of the children of Israel. He did not attribute the cause of his grief to any purpose in the house to offend him, but only to a mistaking of the law. He had no purpose to impeach their privileges; but since they derived all matters of privilege from him, and by his grant, he expected that they should not be turned against him. That there were no precedents did suit this case fully: precedents in the times of minors, of tyrants, of women, of simple kings, not to be credited, because for some private ends. That by the law, the house of Commonsought not to meddle with returns, being all made into the

Parl. Hist.
vol. V. p. 56.

Journals of
Commons,
vol. I. p.
153.

the chancery, and to be corrected or reformed by that court alone." Anno 1604.

The debates of the Commons on this subject were spirited. It was said by one member, That there was just fear of some great abuse in the late election; that the King had been misinformed: that he had too many misinformers: that now the case of Sir John Fortescue and Sir Francis Goodwin was become the case of the whole kingdom: that old lawyers forget, and commonly interpret the law according to the time: that by such a course the free election of the country was taken away, and none would from henceforth be chosen but such as should please the king and council. "Let us therefore, added he, with fortitude, understanding, and sincerity, seek to maintain our privilege, which cannot be taken or construed any contempt in us; but merely a maintenance of our common right; that right which our ancestors have left us, and is just and fit for us to transmit to posterity." "We should taint ourselves with three great blemishes, said another member, if we should alter our judgment; levity, cruelty, and cowardice. No court can reform their own judgment. Every act which passeth this house is an act of parliament. Shall justice float up and down? shall he be a member to-day, and shall we tear him off to-morrow? Let Sir Francis Goodwin stand as he is. Duty and courage may stand together: let not the house be inveigled by suggestion; this may be called a *quo warranto* to seize all our liberties."

Upon the question, the house resolved to stand by their former judgment. James sent them this peremptory message, "That he commanded, as an absolute king, a conference with the judges."

Ann. 1604. judges *.” To this command, expressed thus violently and absurdly, the Commons, though in contradiction to their former votes, assented. The issue of the conference was favorable to Liberty; for the King being present, by the desire of the Commons, was so much gruelled at the many precedents brought against him, that he compromised the affair. Both of the members were set aside, and the Commons obtained a firm establishment of the essential privilege of judging of returns. The King said, “He granted it royally as King James, sweetly and kindly, out of his good nature.” Notwithstanding the contest ended thus favorably, many of the spirited members were offended at the concession of giving up their elected. The committee † who managed the affair was severely reproached for exceeding their authority in giving a consent without having first consulted the house; and a motion was made that it might be done by warrant, and therein inserted, “by the request of the king ‡.”

Journ. Com.
vol. I.
p. 168.

* The judges had given an opinion against the Commons.

† Sir Francis Bacon, one of the committee, gave the report of the conference in the following strain: “The King, said he, would be president himself. This attendance renewed the remembrance of the last, when we departed with such admiration. It was the voice of God in man; the good spirit of God in the mouth of man. We might say as was said to Solomon, We are glad, O king! that we give account to you, because you discern what is spoken. How to report his majesty’s speech he knew not; the eloquence of a King was inimitable.”

‡ The outlawry of Sir Francis Goodwin was brought in on purpose to serve Sir John Fortescue, as appears by the following passage in a letter from Cecil to Mr. Winwood. “Sir Francis Goodwyn having laboured to be knight of Buckinghamshire, to the exclusion of an ancient counsellor, Sir John Fortescue, it was advised by the King’s learned council and judges,

The next business, which took up the attention of the Parliament, was a proposal of an union between the two kingdoms. James was so hotly and impatiently set on this point, that he had already assumed the title of King of Great Britain; issued out a proclamation to make Scotch coin current in England; quartered St. Andrew's cross with St. George's; and, to give a general idea of its peaceable advantages, the iron doors of the frontier towns were converted into ploughshares. The Parliament took this scheme into consideration, rather out of compliment and to humor the King, than with any design to bring it into execution. James drew up many projects with his own hand: he alternately complained of and cajoled the Parliament *: but

Anno 1504.
Proposal of
an union.

Rapin.

judges, whether there were not some means by the laws to avoid it? Whereupon it being found that he was outlawed, and so certified by the sheriff, consequently a new writ was sent forth, by virtue whereof Sir John Fortescue was chosen." *Winwood's Memorials*, vol. II. p. 18, &c seq. It is to be noted here, that in the disquisition of this affair, it appeared that Goodwin's outlawry was an irregular one; and that if it had been regular, it was pardoned by an act of grace.

* The following is a letter from the King to the parliament on the occasion of the union. "Ye see with quhat clearness and sinceritie I have behaved myself in this earande, even throuch all the progresse thair of, thoch I will not saye, too littel regairdit by you, but I maye justlie saye, not so uillinglie embraced by you, as the uorthiness of the maitter doth uell deserve. I proteste to God, the fruits thair of uill chieflie tende to youre owen uell prosperitie and increase of strenth and greatness: Nothing can stave you from harkening unto it, but jalousie and distruste, ather of me the propounder, or of the maitter by me propounditt: If of me, then doe ye both me and yourselfis an infinite uronge, my conscience bearing me recorde, that I ever deserved the contrarie at your handis; but if your distruste be of the maitter itself, then distruste ye nothing but your owin uisdomes or honesties: For as I have gevin over urangling upon uordis with you, so crave I no conclusion to be taken at this tyme heirin, but only a comission, that it maye be disputed, considered

Anno 1604. without farther success than to obtain an appointment of forty-four English to meet with thirty-one Scotch commissioners to deliberate concerning the terms. Their power was not extended to make any advances towards a final establishment. The Commons were at this time warmly set on the redress of grievances; and, in all probability, for that price, would have indulged the King in his darling project. This matter had been from time to time revived in their commit-

sidered upon, and reported unto you; and then will ye be your owne cooke, to dresse it as ye liste: so that (as I have already said) since the conclusion thereof can never be without your owne assent: if ye be true to yourselves, no man can deceive you in it, lett not yourselves therefore be transported with the curiositie of a few giddy headis; for it is in you now to make the choice, either by yielding to the providence of God, and embracing that which he hath cast in your mouthis, to procure the prosperitie and increase of greatness to me and myne, you and yours; and by the away-taking of that partition-wall, which already, by Godde's providence, in my blood is rent asunder, to establish my throne and your bodie politique, in a perpetuall and flourishing peace; or else contemning Godde's benefites so freely offered unto us, to spitte and blaspheme in his face, by preferring warre to peace, trouble to quietnes, hatred to love, neeknes to greatness, and division to union; to sow the seeds of discorde to all our posterities; to dishonour your King; to make both me and you a proverbe of reproche in the mouthis of all straingeris and all enemies to this nation, and enviers of my greatness: and our next labour to be, to take up new garisons for the borders, and to make new fortifications there. *Sed meliora spero.* I hope that God, in this choice and free will of yours, will not suffer you, with the olde Adame, to choose the worst, and so to procure the defacing of this earthly paradise; but by the contrarie, that he shall inspire you so, as, with the seconde Adame, ye shall produce peace; and so beautifie this our earthly kingdome herewith, as it may represente, and be an arles pennie unto us, of that æternal peace in that spirituall kingdome, which is prepared for the perpetuall residence of all his chosen children." *Vid. Journ. House of Com.* vol. I. p. 193. & seq.

tees,

tees, during the whole session; and in a conference with the upper house there were certain sums proposed as considerations for wardships, respite of homage, license of alienations, tenures *in capite*, &c. The gleam of public virtue which appeared in the Lords for a short time at the beginning of the session, was now entirely vanished. They not only dissented from, but reproached the Commons for their proceedings, and termed the proposals, "Proposals to the King for selling his prerogative." Ann. 1604.

This ill success did not deter them from proceeding with unabated diligence on the abuses in ecclesiastical matters *. A petition was framed for redress, but dropt by the prevailing influence of the court and hierarchy. As the Commons had been foiled in all their intentions for the good of the public, they were justly determined that it should not be robbed to feed the avarice and luxury of courtiers. A demanded subsidy was so vehemently disputed in the house, that the King sent to desire it might be altogether laid 7 July. aside; and the end of the session soon followed †.

* Their acquiescence to the royal command, for a conference with the judges in the case of returns, had encouraged James to signify to them, in a message, a desire that before they intermeddled with the reformation of matters of religion, they would confer with the members of the convocation-house. This message produced a warm dispute. It was urged, that there was no precedent of any conference with a convocation. The conclusion was an offer to the King, that they would be ready to confer on any matter of that nature with the bishops, as lords of parliament. *Journals of Commons*, vol. I. p. 173.

† Acts passed this session.

1. An act of recognition of the title to the crown.
2. An act authorizing certain commissioners of England to treat with commissioners of Scotland, for the weal of both kingdoms.

A. D. 1604.
Parliam.
Hist.

The Commons had nobly asserted their privileges in several instances. The delivery of Sir

3. An act against the diminution of the possessions of archbishoprics and bishoprics, and avoiding of dilapidations of the same.

4. An act for the due execution of the statutes against Jesuits, seminary priests, recusants.

5. An act to prevent the over-charge of the people by stewards of court-leets and court-barons.

6. An act for the explanation of the statute concerning labourers.

7. An act for the continuance and explanation of an act for punishment of vagabonds, &c.

8. An act to take away the benefit of clergy for some kinds of manslaughter.

9. An act to restrain the haunting of public houses, inns, &c.

10. An act for the better execution of justice.

11. An act to restrain all persons from marriage till their former wives and husbands be dead.

12. An act against witchcraft, &c.

13. An act for new executions to be sued against any who shall hereafter be delivered out of execution by privilege of parliament, &c.

14. An act for a remedy for a freeman of London to recover small debts, &c.

15. An act for the better relief of creditors against such as shall become bankrupts.

16. An act concerning wherry-men and watermen.

17. An act concerning the making of hats and felts.

18. An act concerning using or buying corrupted hops.

19. An act for the well garbling of spices:

20. An act for redressing of abuses used in painting.

21. An act against brokers.

22. An act concerning tanners, curriers, shoemakers, &c.

23. An act for the preservation of the fishery in Somerset, &c.

24. An act against the deceitful making mildernix and powle davies, &c.

25. An act for continuing some and repealing other statutes.

26. An act for the continuance and observation of certain exchequer orders.

27. An act for the preservation of game.

28. An act concerning the franchises of the borough of Berwick.

29. An

Thomas Shirley, one of their members, who had been committed to the Fleet, was demanded and obtained; and the warden punished for contempt of the house, in refusing to release his prisoner. In this case a vote had been carried by a majority of seventeen, for six of the members to be sent by the house with the serjeant and mace to require the delivery; but they were deterred from the resolution by a representation of the speaker, that the members who entered the prison in that manner would be by law subject to an action. Sir Herbert Crofts, one of the members, coming up with others to hear the King's speech, was insulted by a yeoman of the guards, who shut the door against him, saying, "Goodman burgeses, you come not here." The Commons resented the insult as an affront upon the whole house; and their anger was with difficulty appeased by the yeo-

29. An act concerning eating flesh in Lent.
30. An act concerning building a church in Melcombe Regis.
31. An act for relief of persons infected with the plague.
32. An act for paying a certain sum *per ton* by certain trading vessels.
33. An act for a subsidy of tonnage and poundage. *Vid. Statutes at Large.*
34. An act for avoiding multiplicity of leases.
35. An act against scandalous and unworthy ministers.
36. An act for disburthening clergymen of such affairs as may hinder them in their divine callings.
37. An act for the better discovery and suppressing of simony, and other corrupt procuring of ecclesiastical dignities. *Vid. Parliam. Hist. vol. V. p. 102.*

The tonnage granted was three shillings on every ton of wine imported; but on sweet wines six shillings. On every awm of Rhenish one shilling. The poundage was one shilling in twenty on goods and merchandize imported or exported; on woollen manufactures, tin, and pewter, two shillings in twenty.

Anno 1604. man's asking pardon for his fault, and receiving on his knees a reprimand from the speaker.

An act for the due execution of the statutes against jesuits, seminary priests, recusants, &c. met with an absurd opposition from a hot-headed member of the upper house, the lord viscount Montague. He inveighed against the whole state of the established religion, and attempted to prove the antiquity of the Popish, and the novelty of this. The Lords thought fit to commit him prisoner to the Fleet; in which place he remained till he had given satisfaction by confessing his fault.

Complaint was brought into the house of Lords by the Commons against Thornborough, bishop of Bristol, for having written a book in favor of the Union. The Lords agreed that the bishop should make a public acknowledgment that he had committed an offence. The bishop submitting to this determination, the affair was thus accommodated.

Bancroft had succeeded Whitgift in his archbishopric. He was so zealous a persecutor of the puritans, that many families were obliged to leave their country, for foreign abodes; he endeavored to persuade the King to usurp the power of redressing the grievances of the clergy without consulting the parliament; but James was advised not to take this dangerous step*.

Treaty of
peace with
Spain.

A treaty of peace was this summer concluded between Spain and England†. One of the ar-

* He presented twenty-five articles, commonly called *Articuli Cleri*, and petitioned the King to grant prohibitions upon them.

† James had recalled all the letters of marque which had been granted by Elizabeth, on his accession. In his proclamation for this purpose, he supposes that amity with all the

ticles was unfavourable to the Dutch, as, That James should fix a day, before the expiration of which the states should make peace with the arch-duke; and, in case of refusal, should deem himself absolved from former engagements *. Anno 1604. All the terms of this peace were much disliked

the princes in Christendom was attached to his person. "Although we have made it known by public edict that at our entrance into these our kingdoms of England and Ireland, we stood, as still we do, in good amity and friendship with all the princes in Christendom, and therefore are carefully to provide, as much as in us lieth, that none of them or their subjects should by any hostile action be endamaged in their persons, territories, or goods, by any of our subjects, either by land or sea, &c." Ridiculous as is this conceit, James in his first speech to the parliament mentions this personal amity between him and foreign princes, as one of the blessings which England would enjoy by his accession; when at the same time, his management in consequence of this pretended advantage, deprived his people of the power to do themselves justice on the subjects of Spain. *Rymer*, vol. XVI.

* In the beginning of the following year, the earl of Nottingham, the lord admiral, was sent ambassador to Spain to ratify the treaty. The embassy, like all others in this reign, was gaudy and pompous. Sixty noblemen and gentlemen of the first rank accompanied the ambassador, besides others, who with their attendants composed a train of six hundred and fifty persons.

The ceremony of taking leave of the King is a strong picture of the manners of this age of parade, James being at Greenwich, the ambassador with his retinue, all richly dressed, waited on him there. In the ambassador's train were six trumpeters, clad in orange-coloured damask; six footmen in orange-tawny velvet, alike suited; six pages clad also in orange-tawny velvet, with cloaks of the same colour; thirty with cloaks of black velvet; fourscore yeomen apparelled with cloaths of orange cloth, garded with silver and blue silk lace. Stone, the fool, was whipt at Bridewell for saying that there were sixty fools gone to Spain, besides the lord-admiral and his two sons:

Immediately after the conclusion of this peace, the town of Ostend capitulated. It had been three years besieged by the Spaniards. *Guthrie*, vol. III. p. 644. *Stow*, p. 859.

Anno 1604. by the people *. The court displayed a sumptuous appearance †, and the charms of finery infected the town, whilst the pernicious luxury was sanctified under the specious pretence of cul-

* Sir Charles Cornwallis, the King's resident in Spain, writes thus of it to secretary Cecil, 2d June, 1605.

" I find here by many arguments that this peace came opportunely for this kingdom; and is admired of all Europe, yea of this kingdom itself, how it was possible, with so advantageous conditions to them, and so little profitable to our realm, it could be effected. The duke of Anera discoursing with one of great privacy and trust with him, after that he had heard that the peace was in such form concluded, said in plain terms, That the king and counsellors of England had not their senses, when in such sort they agreed upon it; and some Spaniards have lately reported, that the king of Spain's money purchased this quiet, otherwise peace with so good conditions would never have been obtained.

" By those collections that I have made, and relations of others well practised in this state, I find that England never lost such an opportunity of winning honor and wealth unto it, as by relinquishing the war with Spain. The King and kingdom were reduced to such estate, as they could not, in all likelihood, have endured the space of two years more: His own treasury was exhausted; his rents and customs subsigned for the most part for the payment of the money borrowed; his nobility poor and much indebted; his merchants wasted; his people of the country in all extremity of necessity; his devices of gaining by the increase of the valuation of money, and other such of that nature, all played over; his credit in borrowing, by means of the uncertainty of his estate during the war with England, much decayed; the subjects of his many distracted dominions held in obedience by force and fear, not by love and duty, and therefore rather a care and burthen than a relief and strength to him; himself very young, and in that regard with this people in no great veneration, and the less for suffering himself to be wholly governed by a man generally hated by his own country; his strength at sea not able to secure his ports at home, much less his Indies, or his treasury homewards."

Winwood's Memorials, vol. II. p. 75, & seq.

† The entertainment of the constable of Spain cost James upwards of 300 l. per day, and the duke of Holstein, brother to the queen, had a large appointment.

tivating

tivating the arts of peace, and extending the commerce of England. Anno 1604.

C H A P. II.

Gun-powder plot.—*Punishment of the conspirators.*
 —*Parliament.*—*Report of the King's death.*
 —*Subsidies granted by parliament.*—*The Spaniards condemn James.*

JAMES and his parliament had parted mutually dissatisfied with each other. On one side, the parliament, by the act of recognition, had in a manner disavowed his pretension of holding the crown of England solely by hereditary right. The Commons had made many attempts towards the redress of grievances; grievances which James looked on as very necessary parts of his prerogative. They had proceeded very slowly and coldly on his favorite plan of an union. They had, though in opposition to royal authority, vigorously exerted their privileges; and finally had shewn an intention to deny a demanded subsidy. On the other hand, James had displayed a strong inclination to encroach on the most essential rights of the Commons; had pushed on with great earnestness the unpopular plan of the union; had declared an averseness to comply with their reasonable demands; had lavished out his coffers on his favorites and dependants; and by this early disregard to oeconomy, had foreboded the necessities to which he would be often reduced; necessities which could not be supplied without oppressing the subject.

An incident very extraordinary in its nature, and from a very unexpected quarter, united by

Gunpowder
plot.

Anno 1604.

a sense of common danger the displeased parties. The papists in general were much exasperated at the disappointment they had met with from the conduct of James. Some of the Spanish partizans laid great stress upon a pretended conveyance of the crown of Britain by Mary of Scots to the catholic king. All the discontented papists, who had been banished England, were supported in the Netherlands by that monarch, and great sums remitted into England for carrying on plots against the government.

The intended execution of one which had been machinating near a year and half, was hastened or rather fixed, from some severities the sect had suffered in consequence of an act in their disfavor, which had passed the last session of parliament. Determined on vengeance, some of the most enthusiastic of the body conspired under Garnet, the superior of the Jesuits, who had been the manager of all the cabals, to destroy with one blow the most powerful of their enemies.

The design was against the King and parliament; and the plan so far executed, that thirty-six barrels of gun-powder were, by means of the conspirators, lodged in some vaults under the house of Lords, to be fired on the first day of their meeting, when the King was to harangue, and the queen and prince of Wales had proposed to have been present. After the explosion, the rest of the royal family were to be seized by the conspirators; and Elizabeth, James's youngest child, to be declared queen, under a protector of their own choosing. The vaults had been hired by Piercy, a near relation of the earl of Northumberland, under the pretence of a lodgment for fuel; a great number of faggots covered the tremendous deposit.

The

The fifth of November, which was the day Anno 1605. assigned for the meeting of parliament, drew nigh. Exalted were the hopes of the conspirators; but a fatal assurance of success, united to private affection, drew from one of the party an indiscretion which happily defeated the well-concerted plan. On the twenty-sixth of October, the lord Monteagle, whose father had been a great sufferer in the reign of Elizabeth for his affection to Popery, received the following letter : “ Out of the love I bear to some of your friends, I have a care of your preservation : therefore I would advise you, as you tender your life, to devise some excuse to shift off your attendance at this parliament ; for God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety ; for though there be no appearance of any stir, yet I say they shall receive a terrible blow this parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is past so soon as you have burned the letter * ; and I hope God will give you the grace to make good use of it, to whose holy protection I commend you.”

Monteagle carried this letter to Cecil, then earl of Salisbury, who either did or pretended to

* Rapin relates, that both James and his ministers were puzzled at this sentence, “ For the danger is past as soon as you have burned the letter.” Cecil ridiculed it as the incongruity of a fool or a madman ; and James thought it referred to the quick execution of the blow. The obvious sense of the words is, “ That if the letter was burned, the receiver could not incur danger from the advice.”

think

Anno 1605. think little of it; and the affair was dropped till the King, who had been some time at Royston *, returned to town. On re-canvassing the letter, the gunpowder was scented. Most authors attribute this to the sagacious timidity of James †. He was fond of the reputation of this discovery, and publicly assumed it ‡.

The plot
discovered.

The night before the meeting of the parliament, officers were sent to search the vaults under the house of Lords: on removing the fagots the gunpowder was discovered. Guido Fawks §, who, under the guise of Piercy's servant, was found lurking about the place, was taken, and, on sight of the rack, confessed the whole plot, with the names and quality of the

* While the King was at Royston, he devoted himself so entirely to hunting, that he forbade his ministers to disturb his pleasures with any business; saying, "His hunting was necessary to the state; it was good for his health, and his health was necessary to the state." These huntings were great nuisances; they are taken notice of as such in a letter from Matthew Hutton, archbishop of York, to viscount Cranbourn. "I could wish," writes this prelate, "that there was less wasting of the treasure of the realm, and more moderation of the lawful exercise of hunting; both that the poor mens corn may be less spoiled, and other his majesty's subjects more spared." *Winwood's Memorials*, vol. II. p. 40.

† There are some authorities which say, that Cecil had before received intimation of the intended plot from France, and the manner in which it was to be executed. Cecil owns, in a letter to Cornwallis, that he had intimation of some plot in hand. He also mentions, that the whole affair was discovered before the letter was communicated to James. *Winwood's Memorials*, vol. II. p. 172.

‡ According to Rapin, James's flatterers did not scruple to say, he could never have discovered the mystery without the immediate assistance of the Holy Ghost.

§ Guido Fawks was an officer in the Spanish service. He was sent for from Flanders by the conspirators, as a man of tried resolution and zeal for the cause.

conspirators.

conspirators. On this arrest, the criminals who remained in London fled into Warwickshire, where their confederates were posted to seize on the person of Elizabeth, so soon as they should hear of the success of the project. There they made a vigorous defence; but were all taken, except three, who were killed in the struggle; viz. Catesby, esteemed to be the inventor of the plot, Thomas Piercy, and Robert Wright. These following were convicted of treason, and executed: Sir Everard Digby, Guido Fawks, Robert and Thomas Winter, John Grant, Ambrose Rookwood, Robert Keys, Thomas Bates, Esqs. and Garnet, the superior of the Jesuits. Francis Tresham was convicted likewise, but died of a strangury in prison. Two Catholic lords, Mordaunt and Sturton, were fined, one ten thousand, and the other six thousand pounds; their absence from parliament having begat suspicion. The earl of Northumberland * suffered the severer penalty of thirty thousand pounds, and was detained in prison for several years, because he had admitted Piercy into the number of gentlemen-pensioners without having exacted the requisite oaths. These were the arbitrary sentences of the Star-chamber. The lord Monteagle was rewarded with an estate of 200 l. a-year, and a pension of 500 l.

Conspirators
executed.

The parliament met on the 9th of November. James's speech on the occasion of the plot is perhaps as remarkable as the occasion itself, the whole of it being, according to the genius of the

Parliament.

* This nobleman had been so zealous a promoter of James's succession to the throne of England, that he declared he would remove all impediments by the sword, *Letters and Memoirs of Sir Fr. Bacon, by Stephens.*

orator,

Ann. 1605. orator, uncommonly prolix. I shall only give the most striking passages.

“ And now I must crave a little pardon of you (that since kings are, in the word of God itself, called gods, as being his vicegerents on earth, and so adorned and furnished with some sparkles of divinity) to compare some of the works of God, the great King, towards the whole and general world, to some of his works towards me and this little world of my dominions.” He then draws a comparison between the destruction of the world by water, the salvation of Noah, the destruction of the world by fire, and the salvation of the faithful, with his own dangers and escapes in the Gowrie and gunpowder conspiracies. He distinguishes the general sorts of death which mankind may suffer. “ For by three different sorts in general may mankind be put to death. The first, by other men and reasonable creatures, which is least cruel ; for then both defence of men against men may be expected, and likewise who knows what pity God may stir up in the hearts of the actors at the very instant, besides the many ways and means whereby men may escape in such a present fury. And the second way, more cruel than that, is by animal and unreasonable creatures : for as they have less pity than men, so it is a greater horror, and more unnatural for men to deal with them ; but yet with them both resistance may avail, and also some pity may be had, as was in the lions, in whose den Daniel was thrown, or that thankful lion that had the Roman slave in his mercy. But the third, the most cruel and unmerciful of all, is the destruction by insensible and inanimate things ; and amongst them all, the most cruel are the two elements of water and fire, and of those two the

the fire is the most merciless. When the letter Ann. 1605. was shewed to me by my secretary, wherein a general obscure advertisement was given of some dangerous blow at this time, I did upon the instant interpret and apprehend some dark phrases therein, contrary to the ordinary grammar construction of them; and (in another sort than I am sure any divine or lawyer in any university would have taken them) to be meant by this horrible form of blowing us all up by powder; and thereupon ordered that search to be made, whereby the matter was discovered, and the man apprehended. It resteth now that I should inform you what is to be done hereafter upon the occasion of this horrible accident. As for your parts, who are my faithful and loving subjects of all degrees, I know that your hearts are so burnt up with zeal in this errand, and your tongues so ready to utter your dutiful affection, and your hands and feet so bent to concur in the execution thereof (for which, as I need not to spur you, so can I not but praise you for the same) as it may very well be possible, that the zeal of your hearts may make some of you in your speeches rashly to blame such as may be innocent of the attempt." He then excuses the Papists in general, and says, "That many Papists laying their only trust upon Christ and his merits, at their last breath, may and oftentimes are saved; detesting in that point, and thinking the cruelty of the Puritans worthy of fire, that will admit no salvation to the Papists." He charges them "not to think that any foreign princes had a hand in the plot, but to speak and think of them reverently."

In the conclusion of this long speech are instructions to the parliament of the nature of their office; that they are not to be too busy in proposing

1603. proposing new laws, but to consult on those which are proposed by the King; that they should be wary of proposing novelties, but most of all not to propose any bitter or seditious laws*.

After the chancellor had prorogued the parliament till Tuesday, the 21st of January, the King rose again, and shewed the reasons for his nominating that day for the next meeting. "Since it pleased God, said he, to deliver me upon one day of the week, which was Tuesday, and likewise on one day of the month, which was the fifth, thereby to teach me, that as it was the same devil who persecuted me, so it was the same God who still mightily delivered me; I thought it therefore not amiss that the one and twentieth day of January, which falls to be upon Tuesday, should be the day of this meeting of next sessions of parliament."

The King's speech was much applauded by the courtiers, who found out greatness of soul in the expressions of moderation towards the Papists. The generality of the people were of a different opinion; they considered it as the proofs of an incurable tenderness to the Roman Catholics, and looked with horror and resentment on the un-

* James makes a kind of apology for not having before this performed the office of a tutor to the parliament. "It could not," said he, "be possible for me, at my first entry here, before experience had taught it me, to be able to understand the particular mysteries of this state. Yet now that I have reigned almost three years amongst you, and have been careful to observe those things that belong to the office of a King; albeit that time be but a short time for experience in others, yet in a King may it be thought a reasonable long time, especially in me, who, although I be but in a manner a new King here, yet have been long acquainted with the office of a King in such another kingdom, as doth nearest of all others agree with the laws and customs of this state."

charitable

charitable condemnation of the Puritans to fire, Ann. 1605
 for an opinion which had no relation to the state.
 Neither of these assigned motives were the real
 ones which actuated James in this declaration :
 he was at this time cajoled by Spain with the
 hopes of a family-alliance, attended with these
 flattering conditions : That he was to be made
 the arbiter of all the religious differences in Eu- Winwood's
 Memorials,
 vol. II.
 p. 100,
 p. 166, &
 seq.
 rope ; that a large part of Flanders, and a year-
 ly pension of a million of ducats, were to be the
 portion of the infanta ; and that a reddition of
 such towns as he should demand were to be the
 security. He, on his side, was to assist Spain a-
 gainst the States-general. Hence proceeded the
 cautious handling of the Papists ; hence the
 charge to the Commons to think and speak reve-
 rently of foreign princes : and hence proceeded
 many proclamations to prevent the public from
 suspecting that the conspirators had been promi-
 sed assistance from such powers. Nor were these
 all the steps which James took to reconcile the
 Spaniards to his conduct. Many Roman Catho-
 lics, who had taken up arms in Warwickshire in
 defence of the conspirators, were left unprosecut-
 ed, and an excuse sent to Spain for the fine and
 imprisonment of the earl of Northumberland *.

On the re-meeting of the parliament, the hei- Re-meeting
 of parlia-
 ment.
 nousness of the late conspiracy was the first con-
 sideration which engaged the attention of both
 houses. Some of the Commons proposed that
 the prisoners might be tried before the King and
 parliament ; others were for bringing in a bill to
 enact a more rigorous punishment than the law

* James gave leave to count Arundel of Wardour to raise
 a regiment of fifteen hundred English, and to the earl of
 Hume to raise another of a thousand Scots, for the service
 of the arch-duke. *Guthrie*, vol. III. p. 646.

ordained.

Ann. 1605. ordained. Both these motions were dropped, and the proceedings against them took their due course. The result of their resentment was an act which ordained an annual thanksgiving on the fifth of November; and two severe ones against the body of Papists, entitled, "An act for discovering and repressing Popish recusants; and an act to prevent dangers which may grow by Popish recusants." These statutes are yet in force.

The business of a supply brought on the demand for redress of grievances. The King, who heard that the Commons were about ecclesiastical abuses, was determined to be beforehand with them, and a message was delivered to the Lords by the archbishop of Canterbury, concerning the abuses of excommunication, with this proviso: "Tho his majesty doth desire that the said jurisdiction ecclesiastick may be maintained and upholden in all respects as it is fit." A message from the Commons desired a conference on these articles: The silencing of ministers, the multiplicity of ecclesiastical commissions, the manner of citations, and the point of excommunication. The Lords did not answer the message till some time after, when the Commons were told that they had appointed a committee for the conference. Prerogative royal had been so zealously maintained in the upper house, in a debate whether they should agree or not to the desired conference, that the King sent thanks to all the Lords in general for their regard to his power. The business of the conference was now proceeded on. The bishops were of the committee for the Lords, and the affair was determined according to the sense of the King's message.

This

This point gained, new difficulties arose. The nuisance of purveyorship, and the iniquity of the officers, were so strongly represented by the Commons, that the ministry were confounded, and said that they would join in chasing out purveyors *: but entreated an immediate supply to the King's necessities †. A bill for three subsidies and six fifteenths went on heavily in the lower house; the redress of grievances was thought very necessary to precede so large a grant. These were enumerated, and the amount was so vast, that James said peevishly, "They had sent an O yes through the nation to find them."

Anno 1605.

Parl. Hist.

In the heat of the debate, an alarm of the King's being murdered at Oking threw the whole town in confusion. The citizens were put under arms, and preparations made against a siege.

Report of
the King's
death.

* These men, by the licence of their office, which was to purvey for the King's household, pressed into their service all kind of wheel-carriages and vehicles, in times of the greatest business, and by such means extorted money for respites. Two acts to redress this grievance passed the house of Commons, but were rejected by the Lords.

† Sir Thomas Ridgeway was one of the most zealous members in this business. After having expatiated on the blessings the island enjoyed under the present government, he enumerated the charges the King had sustained since his accession to the throne; and added, that the commonwealth was obliged to lighten the burden; for, as Moses said, How can he alone bear their strifes and incumbrances?

James at this time maintained, at a great charge, an ambassador or resident in almost every court in Europe; his domestic expences ran high; some of the masks which the queen gave cost 3000 l. James had scattered his favours with a childish profusion; and the Commons plainly saw, in enumerating the reasons of his necessity, that these causes might have been avoided. Mr. Holt observed, that a subsidy was a public contribution, not to be applied to private uses, bounties, expences, ceremonies, and the like. *Parl. Hist.* vol. V. p. 147. *Winwood's Memorials*, vol. II. p. 41.

Anno 1605. The frightened members sent message after message to the council, to know the truth of the various reports; in a little time they became less strong, then doubtful, and in some hours James sent word that he intended being in London that day. Whilst the minds of men were yet agitated by the double surprize, whilst the tide of affection ran yet high on account of the supposed accident, the courtiers pushed the supply so strongly and so warmly, that, notwithstanding all the clear-sighted members could do, they carried the motion. The next day, when time and reflection had abated overheated loyalty, the outwitted party began to consider of the largeness of their generosity; and some of the members moved that it should not pass till the heavy grievances of the nation were redressed. The courtiers over-ruled this, and the bill was sent up to the house of Lords, where it met with a quick and easy assent. Nor did the gratification which James enjoyed from the report terminate here. He was received at Hyde-park by the speaker and four members of the house of Commons; the city paid him the same compliment; whilst the easy vulgar were unbounded in their extasies.

Subsidies
granted by
parliament.

Parl. Hist. The union was again brought before the houses, and a bill passed as ineffectual as the former. The Commons were in so little temper for such a compliance, that the country-party in the house had drawn up a list of the grievances of church and state, and briskly presented it, while the bill of supply was passing the Lords. The oppression which the subject suffered from purveyorship was again argued in the house, with proposals for taking away the arbitrary power of the Green-cloth. This drew a message from the King, in which

which he assured them of a reformation in this article, and that the subject should not be brought before the Green-cloth, but before the justice-seat. One Parker preached a sermon at St. Paul's, where he abused the house of Commons in the grossest terms for irregular proceedings: he was protected by the King, under a promise of correction. This affair would have gone farther, if the parliament had not been prorogued suddenly *.

Parliament
prorogued;
27 May.

* Acts passed this session.

1. An act for an annual thanksgiving on the fifth day of November.

2. An act for the attainder of divers offenders in the late most barbarous, monstrous, detestable, and damnable treasons.

3. An act declaratory, explaining the branch of an act authorizing certain commissioners of the realm of England to treat with the commissioners of Scotland.

4. An act for the better discovering and repressing of Popish recusants.

5. An act to prevent and avoid dangers which may grow by Popish recusants.

6. An act to enable his majesty's subjects of England and Wales to trade freely into the dominions of Spain, Portugal, and France.

7. An act to reform the multitudes and misdemeanors of attornies and solicitors at law.

8. An act to avoid unnecessary delays of executions.

9. An act for the relief of such as lawfully use the trade and handicraft of skinner's.

10. An act for the rating and levying of the charges for conveying malefactors and offenders to jail.

11. An act for transportation of beer over the seas.

12. An act for the better preservation of sea-fish.

13. An act against the unlawful hunting and stealing of deer and conies.

14. An act for explanation of the statute of sewers.

15. An act for the recovering of small debts, and for the relieving of poor debtors in London.

16. An act for the repealing an act made in the fourteenth year of Elizabeth's reign, concerning the length of kerfies.

Anno 1605.

Winwood's
Memorials,
vol. II. p.
131.

The Spaniards con-
temn James.

The friendly disposition of the English towards the Dutch occasioned such a coldness in the Spanish monarch, that James had reason to be convinced he should enjoy little reality from the glorious offers of that court. Either through indolence, or want of courage, he was so far from executing his part of the conditions, viz. an assistance against the States, that he did not prevent his subjects from enlisting under their banners. The Spaniard, despairing to rouse the inactivity of his English ally, and resenting the aid which the United Provinces received from his subjects, affected to treat him with the utmost contempt. Cornwallis, the English resident at the Spanish court, was told that James had so entirely lost the hearts of his subjects, that he had no influence over them, and therefore his friendship was of little consequence. Several conspirators who had been engaged in the gunpowder plot, now under the protection of the

17. An act concerning Welsh cottons.
18. An act for the bringing-in of a fresh stream of running water to the north part of the city of London.
19. An act concerning the repairing and maintaining the highway leading from Kensington to Nonfuch.
20. An act how passage may be made by water from London to Oxford.
21. An act to restrain the abuses of players.
22. An act for the paving of Drury-lane, and the town of St. Giles's in the Fields.
23. An act for repairing of Chepstowe-bridge.
24. An act concerning the bridge over the Severn.
25. An act containing a confirmation of four subsidies of four shillings in the pound granted to the King by the clergy.
26. An act granting three entire subsidies and six fifteenths, granted to the King by the temporality.
27. An act containing a confirmation of the King's general and free pardon, with exceptions. *Vid. Statutes at Large.*

King

King of Spain, were refused to be given up, and the English merchants were persecuted by the inquisition, on pretence of retaliation for the sufferings of the Papists in England *. Notwithstanding these insults he did not forbid all hopes of alliance; and James, still flattering himself with that fantastical delusion, winked at oppressions which a warlike motion would have entirely put an end to.

* Sir Charles Cornwallis, James's resident in Spain, was at this time treated with insolence and inhumanity. See the following letter from him, on this subject, to the lords of the privy-council.

Madrid, 9 April, 1607, O. S.

“ May it please your lordships,

“ Upon the sixth of this present I received your lordships' of the third of the last month, together with a letter from his majesty to the king here, in relief of Andrew Thibault. Yesterday I had a message from the king, that this morning about nine of the o'clock I should have access unto him: I observed that hour, but was not observed with; for I stayed till after twelve of the clock, on a little base form, such as I think there are few in the King my master's scullery, which are not furnished with much better, unaccompanied and unattended (as ambassadors are in England) but left to walk alone, or take my seat on the form, when weariness should enforce me. Yet much favored had I been if the poor form had been left me; but one of the king's chamber, either out of want of courtesy and respect, or of wit and good will, caused my form to be taken away, and carried into the next chamber; so as then, for the space of one whole hour, I was enforced to hold me to my walk; which had been much less grievous unto me if either the place had been more spacious, or myself as able (as accustomedly I am) to have endured it: but having through distemper, and much grief in my spleen, not slept above two hours in two nights before, which, had not his majesty's service drawn me out, would rather have moved me to have kept my bed, than give so long attendance upon a bare pavement in court, together with so long fasting, I became exceeding faint, and grieved not a little at so unrespective an usage.” *Winwood's Memorials*, vol. II. p. 299.

Anno 1605.

A visit from the king of Denmark and the prince Vaudemont, another relation of the queen, helped to dissipate the large grants which the King had received last session. One continued round of magnificent shews and expensive amusements filled up the barren transactions of his court *.

C H A P. III.

Parliament.——Prerogation.——Affairs of Holland.——Re-meeting of parliament.——Death of the king of France.——Prerogation and dissolution of the parliament.——Affairs of Scotland.

THE nation appeared to enjoy a perfect calm; the dazzling glitter of the court, whilst it dissipated reflection, confounded the sense of evil with the allurements of pleasure; and private grievances were forgot in the enjoyment of public amusements. James, wantoning in the most lavish prodigality, would have experienced the full measure of happiness, had he effected his darling plan of an union. This event he looked on as one of the most important advantages of his accession, and an epocha which

* I find among the manuscripts in the British Museum, a letter of James to the town of Shrewsbury, recommending Thomas Unton to be town-clerk. The corporation of Shrewsbury excused themselves from complying with this request, and petitioned to be left to the free exercise of their privilege by charter. Some time after this, James applied in the same manner to the city of Chester, in favor of Mr. Manwaring to be recorder; this city, in their answer to the King, followed the example which had been set them by the town of Shrewsbury. MSS. in the Br. Museum, fol. 384, number 2105.

would

would strongly mark the lustre of his reign; nor ^{Anno 1606,} did he ever suspect that his ingenuity and eloquence would be baffled in one of the most rational schemes he had ever projected, or that plebeian powers could withstand kingly force and kingly wisdom; besides, the late generosity of the Commons had taught him, that if that formidable assembly was difficult of conviction, they were liable to be over-reached by the low cunning of court-politics. The next session, he hoped, would bring the affair to a favorable issue; and on the eighteenth of November, the day ^{Parliament.} to which the parliament had been prorogued, he made a speech to that effect *. Sir Francis Bacon employed all his powers to the same purpose; and, in order to soften the members, some trifling concessions were made on a few of the least important articles in the list of grievances offered the last sessions: but neither could the

* In this speech James admonishes the parliament to be upon their good behaviour: He tells them, That as individuals they are subject to the power of their sovereign; warns them, that their office is not perpetual, and compares the dissolution of a parliament to the death of kings, who, after the expiration of their reigns with their lives, must give an account of their actions. “Beware, adds he, that ye be not like Icarus the son of Dædalus, who soared so near the sun with his wings of wax, that his wax melted, and his wings failed, and down he fell; and therefore I conclude with Neptune in Virgil, *Sed motos præstat componere finitus*. I wish you would know me, and observe me; and if any plebeian tribunes should incur any offence, or commit any such errors, that ye would correct them for it, and judge yourselves, as St. Paul saith, that ye be not judged; and that the whole body receive not a wound for one ill member thereof.” After having assailed the parliament with many importunities concerning the union, he told them, that he desired no more than what he had power of himself to accomplish without them. *Journals of the Commons*, vol. I. p. 314, & seq.

Anno 1606. keenness of the monarch, the favor of his concessions, nor the eloquence of his servant, Sir Francis Bacon, prevail over the determined resolution of the Commons; nor were the Lords extremely forward to shew that devotion which had ever been proof against the arguments of public good. National animosity and personal jealousy now so far prevailed, that, after many fruitless messages, and as fruitless conferences, the only point determined was an act for the utter abolition of all memory of hostilities between the two nations; and, for repressing the occasion of discord for the time to come *. James, impatient at these delays, called together the two houses at Whitehall †, where he labored to con-

* The Commons thought fit to gratify the King by imprisoning one of their members, Sir Christopher Pigott, and dismissing him from the house, for having inveighed with great intemperateness against the Scots, in a debate on the union. *Journals of the Commons*, vol. I. p. 335.

† In the speech the King made on this occasion, he gives a remarkable detail of the extent of his authority in the Scotch government; it is in answer to an objection made by the opposition on the different privileges claimed by the Scotch and English subjects. "The Scots, says he, in their pretence to a preserving their own fundamental laws, only mean those laws by which confusion is avoided, and their King's succession and monarchy maintained; not the common law as you do, for the Scots have no law but that which is *jus regis*." He boasts, that he governs Scotland with his pen; that he does more by a clerk of the council than others could do by the sword; that no man there dares to speak dishonorably of England, as the English have done of Scotland, for the authority of the chancellor would interrupt him. To an objection which had been started, that the king of Scotland had not a negative voice, but must pass the laws agreed on by the Lords and Commons, he assures them, that the form of the Scotch parliament is so little inclined to popularity, that all bills to be exhibited on a session must be approved by the King before they can be propounded to the parliament. *Parl. Hist*, vol. V. p. 199, & seq.

vince

vince them of the utility of the union, and the error of their proceedings; mentioned a proclamation he had made by the opinion of the judges, to naturalize those Scotch subjects born after his accession, and charges them not to disgrace either his proclamation or his judges; who, when the parliament was done, had authority to try their lands and lives: lastly, he warned them to think of his power, and not to tempt his patience. The important consequences which must attend an incorporation of the two nations more than balanced the King's rhetoric, and deterred the parliament from attempting it at a time when his partiality, and the pretensions of the Scots, forbade all hopes of its being done on advantageous or even equitable terms.

The mortification which the disappointment occasioned to James was considerable; the conviction of his own abilities, and the flattery he had met with on his accession, made him look on every attempt to be within the reach of his powers. He had gone farther in this than his prerogative could secure; its proving abortive would make even his Scotch subjects look upon his influence in England with contempt. He had mixed entreaty with threats, and had condescended to beg the parliament to save him the disgrace of being frustrated: his resentment made him conceive a contempt and aversion for these assemblies, which continued all the remaining part of his reign; nor were these assemblies more favorable in their opinion of majesty: James's mean misrepresentations, his verbal assurances, his impotent menaces, and barren arguments, while they exposed the shallowness of the modern Solomon, unveiled prerogative itself. The Commons now with curious eyes looked on
a divinity

Anno 1607. a divinity which they had been taught to worship blindly. On canvassing its pretensions, they found them not only destructive to the constitution, but irreconcilable to every rational principle; and that the laws were weak barriers against its unlimited force. Among the many bitter things which had been said during the late contest, the inconvenience of royal residence was so often hinted at, that James actually offered the parliament to spend his years alternately in Scotland and England, or to remove his court to York. The Commons intended to desire him in an address not to listen to reports, but learn the sense of the house from the speaker; the King was apprized of their intention, and pacified them by a message, importing, "That he was extremely tender of their privileges; and that every member might speak freely, though with modesty and discretion." Not being able to attain the ends for which he permitted the parliament to meet, on the fourth of July he prorogued them to the sixteenth of November *.

Parliament
prorogued.

* Acts passed this session.

1. An act for the utter abolition of all memory of hostilities, and the dependance thereof, between England and Scotland, and for the repressing the occasions of discord and disorders for the time to come.

2. An act for the true making of woollen-cloth.

3. An act to give costs to the defendant upon a nonsuit of the plaintiff.

4. An act to restrain the utterance of beer to alehouse-keepers not licensed.

5. An act for repressing drunkenness.

6. An act for repealing one branch of a statute concerning tanners.

7. An act for the founding and incorporating of a free grammar-school in the town of North Leech.

8. An act touching the drowned marshes of Lesnes and Fants in the county of Kent.

9. An act to explain a former act, entitled, An act to enable

A petition was presented to the Commons this Anno 1607.
 session on the hardships inflicted on the English

enable all his majesty's loving subjects of England and Wales to trade freely into the dominions of Spain; Portugal, and France.

10. An act for confirmation of some part of a charter granted to the mayor, &c. of the town of Southampton.

11. An act for the better provision of pasture for necessary maintenance of husbandry, &c.

12. An act for the explanation of a statute, entitled, An act for the bringing in of a fresh stream of water to the North parts of the city of London.

13. An act for the draining of certain fens and low grounds in the isle of Ely.

14. An act for the better execution of justice in the North part of the kingdom of England.

15. An act that all such as are to be naturalized, or restored in blood, shall receive the sacrament, and then the oath of allegiance.

16. An act concerning the employment of money given for the binding out of apprentices.

17. An act for the due execution of divers laws concerning beggars, &c.

18. An act for ease in pleading suits prosecuted against justices, &c.

19. An act for administering the oath of allegiance and reformation to married women recusants.

20. An act concerning the punishing of fraud in the woollen manufacture.

21. An act to enlarge an act concerning the keeping of milch kine, &c.

22. An act concerning the bringing of fresh streams of water to Chelsea-College.

23. An act for reformation of alehouse keepers.

24. An act concerning the preservation of game.

25. An act to avoid the double payment of debts.

26. An act for the explanation of a statute concerning game.

27. An act for reviving of part of an act concerning the horn trade.

28. An act concerning some manner of assignment of debts to his majesty.

29. An act concerning the encouragement of poor people employed in the manufacture of coarse cottons.

30. An act concerning the burning of Ling heath, &c.

31. An

Anno 1687.
Parl. Hist.

merchants by the Spaniards *. The ministry took it amiss, that the parliament should be pe-

31. An act concerning the conveyance of sea-sand.

32. An act for the reparation of a weare on the river Exe.

33. An act concerning the recovery of marsh grounds in the counties of Norfolk and Suffolk, overflowed by the sea.

34. An act concerning the confirmation of degrees to be made in the Exchequer-chamber, &c.

35. An act for a confirmation of a subsidy granted by the clergy.

36. An act for one subsidy and one fifteenth granted by the temporality.

37. An act for a confirmation of the King's general and free pardon. *Vide Statutes at Large.*

* Many petitions of this sort had been before presented to the King without effect. These hardships are mentioned in several letters from Sir Charles Cornwallis, the resident in Spain, to the earl of Salisbury. "If some better course, writes he in one of those letters, be not instantly taken, I see no reason why his majesty should suffer his subjects to continue their traffic hither, so much to their loss and peril. Occasion to call all to new question will arise out of the cruelty of don Luys Fyrardo to the merchants taken in the Indies; since in the articles there is contained no special prohibition. And sure I am, that his majesty will not think it for his honor to give so much way to the Spanish pride, as to consent to deprive his subjects to trade thither. I make no doubt but his majesty will not only require satisfaction for the lives of his subjects, there slain by Fyrardo, but for the liberty and restitution of goods to those who remain in their gallies and other prisons. Upon this will arise the question (and may be raised and now warranted with safety) of a trade thither by our merchants, till some farther conclusion be had between the two kings. That themselves shall send any fleet to disturb them, either this year or the next (if the Hollanders continue the course they have begun) I see little or no possibility; if they here want their treasure from thence, they are neither able to maintain their wars abroad, nor themselves at home. If their people there want their necessaries from hence, necessity will enforce them to cast themselves into any arms which will supply them by trading with them. To write all I would about this subject would exceed all proportion of a letter: to be short, their estates, were they now well set upon, is irrevocable; this peace be-
ing

tioned on a subject within the particular province of the King and council; and the Lords refused to concur in proceeding upon it. The remainder of this year, and the following, are barren of all memorable events.

The year 1609 is notable for the prevailing influence of Liberty. The republic of Holland, animated with its virtue, from small beginnings had become the astonishment of mankind; and now, having vanquished her tyrannical master in almost every quarter of the globe, she obliged him to yield his arbitrary pretensions, and declare her independent. The pride of Spain long struggled before it would give up the point; after a tedious negotiation, a truce of twelve years was concluded, under the mediation of the kings of France and England. Henry had sent to offer his assistance, and James was complimented with the same distinction *. Cecil, who managed the

Anno 1607.

Anno 1609.
Affairs of
Holland.

ing an impediment to the greatest advantage and means to enrich our King and realm that in any age hath ever been offered."

To the merchants petition on the occasion of the wrongs they had received from the Spaniards, were subjoined just causes and reasons for enabling by law the subjects of England, by way of letters of mart, to recover the damages they had received from this people. These reasons are founded upon the iniquitous proceedings of the Spanish courts of confiscation, where the same person was commonly both judge and party, and the English were frequently put to the torture to make discovery. They take notice likewise, that it was a common practice with the Spaniards to join themselves with the Maltese, who were not then in friendship with England, and thereby entrap the English; and that, under pretence of the pope's prohibiting all commerce with infidels, the most valuable branches of their Levant and Turkey trade had been ruined. *Winwood's Memorials*, vol. II. p. 235, & seq. *Guthrie*, vol. III. p. 664.

* James was afraid of being entirely left out of this business: He sent several reprimands to the States for not having consulted him concerning their intention of a treaty with Spain.

Anno 1609.

part which James acted, was, on one side, shackled by his master's extreme fear of incurring the necessity of making war, his coldness to the Dutch, (whom he termed rebels), his cautiousness of disobliging Spain; and, on the other side, by the warm inclination of the English subjects towards the States. His conduct, influenced by these contrarieties, was so lukewarm, that the fear and jealousy of the Dutch was much inflamed by the management practised with Spain, and Spain resented the protection which the Dutch, during the course of the mediation, were promised from England *; who, though they were not

Spain. To the court of Spain he intimated, that if they had employed him as a mediator, they would not have been obliged to have condescended to the disgraceful terms of yielding their claim of sovereignty over the States. The States paid James the compliment he demanded with some reluctance: He had peremptorily refused to enter into a defensive alliance with France for their protection, and they were well acquainted with the weak attachment which he at this time entertained for their inveterate enemies the Spaniards, *Winwood's Memorials*, vol. II.

* James was so mean as to make use of the following arguments to pacify the king of Spain. "If it be considered, writes Salisbury to Cornwallis, what power his majesty had and hath still to cross this treaty now on foot (how far onwards soever it may be taken to be) if he would but promise any underhand assistance to the States, whereunto he is often solicited by them, and to whom he should give satisfaction if he would but have permitted the French king to have paid some money of his own debts; or if his majesty's proceeding be but looked into, how temperately he hath carried himself therein more than others, because he would not give the States any cause to insist upon any exorbitant conditions in the treaty, inasmuch as (I do assure you) the matter is not yet brought to any final conclusion; of which his majesty's slowness, those that seek to draw a strait obligation and dependency from the States unto them, cease not to make the best use they can, comparing their readiness with his majesty's coldness. It will appear, if the audit be well cast up, that his majesty deserveth better at the king of Spain's and archduke's

assisted so vigorously by this power as they ought Anno 1609.
to have been, yet to its perseverance in not aban-

duke's hands, in real and essential friendship, than he is requited; unless they would have left the king obnoxious to all the world's censure, and particularly to the States' suspicion, not only to have refused any manner of assistance openly or covertly, mediately or immediately, for the war, but to have persuaded peace and trust, and yet have refused this contract, which is of no validity, except peace be made and after broken. And for the argument itself, of the perpetual friendship, you may say that the States' peace with Spain being likewise perpetual (as it is pretended) can give no prejudice unto it, unless they will give it in surmise that they intend not to keep the same, and therefore would have us desist from any such league with the States. In which particular, as they will open themselves upon you, so his majesty will conform himself accordingly.

“ Moreover, I must let you know what strange judgment the world doth make of that public reception and support given to Tyrone and others at Milan, contrary to the king of Spain's protestation, both delivered unto you, and here confirmed by his own ambassador to his majesty, That the King would not shelter them in any of his dominions; whereas now the world sees that they are publicly received, feasted, and entertained at Milan, with money given them by his public minister there: In which particular you may represent unto the King, what hazard his word and faith runneth in the opinion of others' judgment, though his majesty suspendeth his own, and what small retribution he giveth to the King our master, in those and all other his most honorable proceedings towards him.

“ Lastly, if you shall hear it spoken of there, that the King our master continueth any disbursements to the States, by way of assistance unto them, under the payments which the French king doth yearly afford unto them, you may confidently affirm (for so his majesty doth take it upon his honor, and I myself know it to be true) that his majesty never assented to any such course (since his peace was concluded with Spain), but hath still protested against it to the French king and his ministers, that he would not stand to any such disbursements; so that if the French ambassador there should inform any such matter, you may publicly protest, that the king our master does utterly disavow it. True it is, that the chief financier, de Rosny, hath still gone about to urge it upon our decompets, but his majesty hath from
time

Anno 1609. doning them, may be attributed the terms they

time to time disclaimed against it; so as this is rather to be accounted a bravery of the financier's, than a matter in which the French king will truly avow him."

On James's accession, there remained a debt due from the French king to the crown of England of money which had been advanced by Elizabeth. This debt Henry IV. wanted to pay on James's account, to the support of the States: James always peremptorily refused this, on pretence that it would be a breach of his treaty with Spain.

At this period when James was thus meanly courting the good graces of the court of Spain, the earls of Tyrone and Tyrconnel, and a great number of British and Irish rebels, were received and maintained in the Spanish dominions; and they openly avowed a design of making an insurrection in Ireland.

In another letter Salisbury dilates farther on the subject of excusing, to the court of Spain, James's conduct in this business. "When we understood, writes he, that the States (finding themselves abandoned of their expectation for assistance in the war, were unwilling to proceed farther into the peace, unless they might have some kind of warrant and assurance from their neighbor princes, whereon they might rely in case that conditions afterwards should not be kept with them) had made instance for a league defensive, to be made betwixt his majesty, the French, and them, which league should have relation to the conclusion of the peace, and not otherwise, his majesty shewed no such readiness to embrace the same; though, upon second instances made in that behalf, as he had no reason wholly to reject this league, lest the States might conceive that his majesty would wholly cast them off both in war and peace, so would he not also suddenly accept of it, lest the States' mind might be raised thereby to stand upon higher conditions with Spain; but rather chose to protract his resolution, under pretence of other circumstances which were depending thereon, for the reimbursement of their debt, and such like; until afterwards, seeing, on the one side, the French impatient of delay to have concluded their league, and no exceptions taken at all for it from Spain or the archduke's; and, on the other side, finding the States continually to press his majesty for his resolution in it, professing otherwise their unwillingness to proceed without it into the peace, his majesty gave orders to his commissioners to go onward also into this league, but commanded them first to acquaint the archduke's commissioners

got from Spain, and the being acknowledged a sovereign state by all other potentates *. Ann. 1609.

The behaviour of the king of France was neither generous nor consistent. In the beginning of the treaty, his offers to the States were high and warm †; but the fear of incurring the whole defence of his allies, with some wheedling proposals insinuated to him by the Spanish court ‡, made him so cold towards the end of it, that they

sioners with it, and to impart unto them the reason which moved his majesty to do it. *Winwood's Memorials*, vol. II. p. 402, & seq. 407.

* He at length concluded a separate treaty with the States, by which he engaged himself to furnish twenty armed vessels, from three hundred to six hundred tons, to be employed against any power whatsoever who should disturb the intended peace with Spain, in case it should take place. The expence of these auxiliaries was to be repaid within five years after the war was finished.

The States General bound themselves to assist James with the same number of ships, of the like force, four thousand foot and three hundred cavalry. The same terms were stipulated for their repayment.

This treaty was to be perpetual; neither party was to make peace with the aggressor, without the consent of the other. This league was not to be prejudicial to the defensive one made between the States and the king of France. *Rymer*, vol. XVI. p. 668.

† He signed a defensive league with the States: By this treaty he was to furnish the States with ten thousand men, to be paid by him as long as they should need them; and if a greater assistance was necessary, he was to furnish it; the expence of the additional assistance was to be repaid him by the States upon the conclusion of the war. The States obliged themselves, in case Henry was attacked, to furnish him with five thousand men, either by land or sea, as he should require, or more if there was occasion; the expence of the additional being defrayed as above. *Guthrie*, 1751, vol. III. p. 667.

‡ These were the renewal of an offer of double marriages between the courts of France and Spain, with the giving up to France the right of sovereignty over the Low-Countries. On this negotiation, Henry abated much of his zeal for the preservation, or at least for the honor of the States. He in-

Ann. 1609. apparently owed their success to the cordial sympathy of the English *.

sinuated, that it would be convenient to accept of a long truce, without the stipulation of a direct acknowledgment from Spain of independency. His minister Villeroy wrote in the following strain to the president Jeannin.

“ Nous estimons le parti de la paix le plus seur & honorable, & au defaut d-icelui celui de la treve de longues années le meilleur, & voulons toujours eviter celui de la guerre, si l'on ne nous donne tres grand & utile sujet d'en courre le hazard. Nous nous souvenons bien que vous nous avez predit que lefdits Estats n'accorderont jamais ladite treve que l'on ne leur quitte la souveraineté comme par la paix : Nous desirons comme eux qu'ils l'obtiennent, mais nous en desesperons, & de plus disons, qu'il n'est pas raisonnable qu'ils opiniastrént ce point ; car ce seroit sortir des terms & effets d'une treve, & devront se contenter d'en avoir l'effet pour le temps qu'elle durera : pour le moins jugeons nous que nous serions faute de mettre nos affaires en peril pour soutenir une telle cause & opiniastrété.” *Winwood's Memorials*, vol. II. p. 398, 429.

* The inclination of the English people to support the Dutch, grounded on the principles of sound policy, from their correspondent interests in the preservation of ecclesiastical and civil liberties, was proof against many provocations which they sustained from that republic. The Dutch, from motives of an inexcusable selfishness, emboldened by the pusillanimity they had observed in James, insulted the English nation with impunity : They burnt their ships and murdered their men, for trading to the ports of Flanders ; whilst they suffered their own countrymen to trade there without molestation.

The sentiments of the English, on the subject of this correspondent interest, is disseminated in all the letters between the several ministers who were employed in the state transactions of this reign. Sir Henry Neville, in a correspondence with Sir Ralph Winwood, ambassador at the Hague, expresses himself thus : “ I am sorry to see that the state of those provinces is so weak, that they are not able to subsist for any small time without a peace : Against such a necessity there is no disputing ; so whether the king of Spain assent to the truce in the Indies, or what mischief soever be like to ensue by opening the trade to Antwerp, for any thing I see they must make a peace. I much deplore this hard condition of theirs, and hold them unworthy of such an issue of their troubles, wherein they have acted with so much wisdom

The parliament, after several prorogations, Anno 1609.
Parliament.

dom and fortitude ; and I do as much blame all their confederates that have suffered such virtues to miscarry for want of their assistance. Shame be to France, who was able and would not ; and woe be to us, who would and cannot.

“ I am glad to find your style in this last letter somewhat altered, as I conceive, from divers of your former ; for whereas in them I always found you of opinion, that of necessity those provinces were to make a peace, and could not subsist without it ; in this last, methinks, I discern some more comfort. For my part, I profess I hold their interest and ours so nearly conjoined in true reason of state, as I do almost equally respect them, and would as willingly contribute, even beyond all proportion of my means, and co-operate as sincerely with my voice and best endeavour in parliament to enable the King to yield them a real assistance, as I would for the reduction or pacifying of Ireland. And sure I am, that the general affection of the subjects of England is great unto the conservation of those provinces ; and that they would sooner be drawn to yield him a contribution for that end than for any other which can be proposed.”

Mr. More, one of the secretaries to the earl of Salisbury, writes thus to Sir Ralph Winwood :

“ For the pretended alliances between France and Spain, it is here foreseen that they may produce very dangerous effects, prejudicial to the rest of Christendom, but especially to this state. The catholic faction (we say) may be hereby mightily strengthened, Ferdinand of Gratz’ pretensions advanced, and the States enforced to lay down their arms, upon such conditions as the French king (to the neglect and dishonor of his majesty) shall procure for them, with many other mischievous inconvenients, which your wise imagination can well suggest, not my pen express. We see a word for all these blows, by taking the present occasion, *à pied levé*, to strike close hands with the States ; and now whilst their perplexed minds are charged with doubts and jealousies of the other party’s combinations, to assure them wholly to ourselves, and so should we need not to fear or envy the strength and glory of the two kings. For religion being hereby reinforced, the Protestants of France taking heart unto them, the King would be no less afraid and jealous of them than heretofore he hath been of a contrary faction ; and we being absolute masters of the sea, might order the traffic of France at our discretion : And for Spain, we should not only be able to make a fair attempt for both his Indies, but also our western people, with the volunteers of

Ann. 1609. met on the 9th of February, 1609 *. The extreme necessities of James, which had been very insufficiently supplied by an aid exacted from the knighthood of his son, with a loan of two hundred thousand pounds, extorted by flattery from the city of London, urged him to this distasteful remedy †.

Salisbury stated the debts of the crown, and not only demanded a present supply, but some necessary means to be considered for the better support of the royal state for the time to come. He then intimated the king's intention of creating his son Henry prince of Wales and earl of Chester. Henry was a great favorite of the people, and the severing from the crown the prin-

other coast towns (together with that navy which the States could easily maintain upon the coast of Spain) would so infest their home trade, that the very traffic between Spain and Portugal would, in short time, be barred, or become unfruitful. But all this discourse is but wind: his majesty a lover of peace, and having conceived I know not what opinion of the States, is miserably poor, having not wherewith now to maintain his ordinary expence, much less to feed a war; which, besides its own consumptions, will, by the abridgment of trade, hinder the profit of customs, the best part of his majesty's revenues." *Sir William Monson's Naval Tracts. Winwood's Memorials*, vol. II. p. 398, 412, & seq.

* It appears by a letter from Mr. Chamberlain, dated from London, 13 Feb. 1609, to Sir Ralph Winwood, ambassador at the Hague, that several members who had acted with spirit in opposition to court measures, had felt the displeasure of the ministry. The paragraph is as follows: "The parliament is likely to hold on, for young Yelverton has made his peace; and divers gentlemen, who were put out of the commission for the peace for being over-busy the last session, are restored; and Sir Henry Withrington released from his restraint." *Winwood's Memorials*, vol. III. p. 117.

† He made frequent visits to the lord-mayor, accepted of the freedom of the clothworkers' company for himself, and the merchant-taylors' for his son.

capality of Wales, which yearly brought in the large sum of fifty thousand pounds, was thought to be a good pretence to demand an addition to the royal revenue. In a conference between the two houses on the demands of the King, Salisbury enumerated the obligations, as he termed them, which his master had lain under to expend very enormous sums *; and said, "That supplying his wants was a mark of esteem which could not be denied to a king, who was not only the wisest of kings, but the very image of an angel." These and many other arguments were urged, but the Commons were not so over-hasty in yielding to them, as to neglect the redress of grievances.

A free enquiry into impositions, and concerning undertakers for executing oppressive licences upon the subject, drew from James a message disapproving their proceedings. This was delivered by the speaker, who received a short reprimand for bringing any message to the house from the King, without having been previously sent to him by themselves. It was found to be against due order, and voted no precedent for the future.

Journals of
Commons,
vol. I.
p. 427.

These incidents, and a speech which the King made at Whitehall, in which he talked in the highest strains of his prerogative, produced an address from the Commons to the King, which began with this assertion of their privileges. "First, we hold it an ancient, general, and undoubted right of parliament, to debate freely of all matters which do properly concern the sub-

* In the list of these charges is a burlesque one, of an extraordinary attendance to protect the King's wife and children from being robbed on the road from Edinburgh to London. *Wilson*, 1653, p. 44.

Ann. 1609. jeſt, and his right of ſtate; which freedom of debate being once forecloſed, the eſſence of the liberty of parliament is withall diſſolved.” The whole of this addreſs breathes the ſame ſpirit of freedom; and though James highly reſented it, his preſent exigencies obliged him not only to ſmother that reſentment, but to receive the members who brought it with ſome degree of complacency *.

Journals of
Parliament,
vol. I. p. 431.

Parl. Hiſt.

An hundred thouſand pounds a-year were agreed to be given in lieu of wardſhips, tenures, and purveyorſhips, and the propoſal, by the conſent of the Lords, was delivered to the King †.

* We may judge by a private letter, dated 24 May 1610, what was the opinion of the people concerning this tranſaction.

“ Touching parliament matters, I know not what to write, ſeeing they have ſat fourteen weeks to ſo little purpoſe. Of late there have been ſome tempeſts raiſed about their meddling with impoſitions, which, by a meſſage from the King, they were forbidden to deal in. On the 21ſt of this preſent, he made another ſpeech to both the houſes, but ſo little to their ſatiſfaction, that I hear it bred generally much diſcontent, to ſee our monarchical power and regal prerogative ſtrained ſo high, and made ſo transcendent every way, that if the practice ſhould follow the poſitions, we are not like to leave to our ſucceſſors that freedom we received from our forefathers, nor make an account of any thing we have, longer than they liſt who govern.” *Winwood's Memorials*, vol. III. p. 175.

† The full ſenſe of the houſe of Commons on this ſubject may be ſeen in the following paragraph of a letter, dated from London, 1609, to Mr. Trumball, reſident at Bruffels.

“ I cannot entertain you with any other, nor indeed with any worthier ſubject, than with ſuch occurrences as our parliament doth produce; which doth now begin to grow very warm about thoſe important matters I mentioned in my laſt; and, according to the common opinion and hope, is like to bring forth very great alteration and reformation in the ſtate. Thoſe things which by my former I did write unto you to have been reciprocally propounded by both the houſes, were as then but *informis materia*, whereupon they were

The business appeared to be going forward, when the sudden death of Henry of France, who was

Ann. 1609.
Death of
the French
king.

were to work; and as they are both of a pondrous consideration, and laborious effecting, so can they not (as the proverb says) be cast in a mould, nor so easily be brought to pass, as perhaps men's affections and curiosities may desire: For it being in question not only to eradicate the strongest and most inveterate diseases of the state, but almost to admit new seeds of temperature or distemperature in that body, you may think with what caution, wariness, and slowness, they will proceed in so important a work, and with how much labor they are like to come at the perfecting the same; therefore hath there been nothing done almost hitherto in the parliament, but only contesting the form of their propounding and offers: For that after my lord-treasurer (as I wrote to you by my last) had concluded his speech, and, for an inducement and better inclining the lower house to the granting those high and extraordinary demands which he made for a supply and a support of the king's necessities and charges, besides the two hundred thousand pounds yearly and perpetual, which he demanded for the support, he did also demand six hundred thousand pounds for the supply. He promised them, that the King would now, to his power, give them satisfaction in any of those grievances which they had hitherto propounded, or had now to propound. The said house being, on the one side, very desirous, and almost resolved to do any thing to obtain a redress of the said grievances, and a suppression of those abuses and rigorous customs wherewith they found themselves oppressed, as with the matters of wardships, purveyors, &c. so on the other side, being very jealous of the power of the King's prerogative, whereunto some are of opinion these things are so adherent and affected, as that he might hereafter resume by little and little unto himself the right and appropriation of the same; they were very much afraid to engage themselves in any offers or promise of contribution to the King, before they were sure of some certain and sound retribution from him: And therefore, after my lord-treasurer had propounded his demand of money, those of the lower house did desire to know what the King would retribute to them for the same; for the which being checked by my lord-treasurer, as for an unrespectful proceeding towards his majesty, of whom they would draw the first proffers of conditions, afore they had so much as assured him of their wills for the satisfaction of their demands, there was (and this but yesterday) a great con-

Anno 1609. murdered in his coach by the hardy assassin Ravaillac, threw a damp upon the whole affair, the King making use of that event to rise on the conditions of the contract.

The King's
son created
prince of
Wales.

Farther proceedings also were stopt for some time by the pageantry attending the creation of the prince of Wales; but, to keep up a harmony between the parties, the Commons granted, on the giving up two or three impositions, one entire subsidy, one fifteenth, one tenth; and the clergy added their six shillings in the pound. This liberality was so far from forwarding the accomplishment of their desires, that though they agreed to almost double the sum * which was at

tention and stir in the house about the terms and framing of that assurance which was required at their hands; the which at length was conceived and delivered in this form; That the house had an inclination and willingness to give his majesty satisfaction. But this answer was found so weak and brittle by the upper house, as not implying any determination or resolution of theirs, as that they were put to another deliberation upon the same: whereupon there grew such a contestation and division in their house, as they were there till two of the clock in the afternoon, without being able to come to an agreement and resolution among themselves about the same. And howsoever they shall open themselves in this generality, they seem to be resolved not to proceed otherwise with the King, in the granting of his demands (at the least of the supply) but by way of contract, and upon good assurance of retribution. So that you may judge, if there hath been so much difficulty found in the manner of the propounding, how much there is like to follow in the debating and reconciling of the matter, which is of so high a nature, and of so great consequence, both to the King and to the state. And yet it is generally expected, that without doubt there will follow some great and happy conclusion, both for the one and the other, before the dissolution of the parliament." *Winwood's Memorials*, vol. III. p. 124, & seq.

* The parliament was urged to this by the King's borrowing another hundred thousand pounds of the city. This set up a kind of opposition between the trading and landed interest

first proposed on the terms of making some additions to their first demands, while they were in the midst of the proceedings, a prorogation declared the effect of the precipitate grant *. The additions now desired by the Commons were, That in case of outlawries and attainders, the debts of the delinquents should be first paid; that it might be lawful to arrest the King's servants without leave, and that no man should be forced to lend money to the King, or give a reason why he would not; that in cases criminal, the party accused might bring in witnesses to clear himself; to repeal a clause of a statute of 34 Henry VIII. whereby the king had power to make arbitrary laws over the Welshmen †. The

Anno 1610.

Parliament
prorogued.

interest of the nation; and the supplying thus the wants of the crown made the attainment of the desired concessions more doubtful. The demands of the King arose to the immoderate sum of three hundred thousand pounds a-year.

* The Commons, this session, had passed a bill abolishing impositions; and, in the preceding one, they had passed one against the establishment of any ecclesiastical canons, without consent of parliament. The Lords, as usual, opposed themselves to these limitations on prerogative, and rejected both the bills.

† The terms demanded of the King, without these additions, were, First, that the court of wards be dissolved, together with the dependencies: 2 Item, that the purveyance be quite taken away; and, to that end, that the authority of the Green-cloth be put down: 3 Item, that the informers be put down: 4 Item, that his majesty shall claim no old debts: 5 Item, that he shall claim to no lands which have been sixty years out of his possession: 6 Item, that, contrary to the present use, all his majesty's patents be strictly interpreted against the King, and favorable for the subject: 7 Item, that lessees be not turned out of possession for non-payment: 8 Item, that the subject may be permitted to plead a general plea against his majesty: 9 Item, no man to be troubled for land on defective titles, on pretence that the patent is void, or for assart lands, and such like: 10 Item, no man to be questioned for land gained by the

Anno 1610. first and last of these additions were granted; but to the second, namely, that no man should be enforced to lend money, nor to give a reason why he would not, the answer returned was, "That because the Commons brought precedents from ancient times to strengthen their demands, he allowed not of any precedents drawn from the the times of usurping or decaying princes, or of people too bold and too wanton; that he desired not to govern in that common-wealth where subjects should be assured of all things, and hope for nothing: it was one thing *submittere principatum legibus*, and another thing *submittere principatum subditis*; that he would not leave to posterity such

Winwood's
Memorials,
vol. III.
p. 193.

the sea, be it antient or new: II Item, no man to be questioned for old debts.

That on this contract the King be petitioned, that the four English counties may have a trial by law concerning their inheritance to the common laws of this realm, and so to be exempted from the jurisdiction of the president and council of Wales. II. That the King be bound upon demurrers to express the cause of demurrer for form, as the subject is by the statute 27 Eliz. III. That the King grant out commissions to declare the just and due fees of all the courts and officers in this realm, so far forth as they are to be paid by the subject, and they to be reduced into a book and printed. IV. That he appoint some to make a diligent survey of all the penal statutes of this realm, to the end that such as are obsolete or unprofitable may be repealed; all such as are profitable concerning one matter may be reduced into one statute, to be passed in parliament. V. The Lords to join in petition to his majesty, for recompence to be made by his majesty to all such officers of courts as are damnified by this contract in point of tenures. VI. His majesty to be likewise petitioned, that he will be pleased not to grant protections contrary to law. That the extent of every article which is decreed for the good of the Commons in this great contract with his majesty, should be expounded and explained in all cases doubtful by the house of Commons, according to their true meaning. *Parl. Hist.* vol. V. p. 252, & seq.

a mark

a mark of weakness upon his reign, and therefore his conclusion was, *non placit petitio, non placit exemplum* *.”

Ann. 1610.

The parliament was suffered to meet again on the 16th of October, three months after the prorogation, their last bounty having been already dissipated. Both houses seemed more determined than ever to restrain the prerogative; the Lords, stimulated by the recent example of prodigality, and the mortifying addition of its enriching the Scotch nobility, heartily joined with the Commons in this laudable intention. The parliament continued so determined, that the King, who now entertained projects of supplying the Exchequer without their assistance, after another prorogation, suddenly dissolved them †. But before he had taken this desperate step, he sent for thirty members of the house of Commons, and asked them, “Whether they thought

Re-meeting
of parliament.

Dissolution
of parliament.

* Salisbury, who delivered this answer, at the same time informed the Commons of a conceit of the King’s: That nine score thousand pounds, to which sum they rose upon their first offer, he could not accept, because nine was the number of the poets, who were always beggars; eleven was the number of the apostles when Judas was away, and therefore might best be affected by his majesty; but there was a mean number, which might accord to both, and that was ten, a sacred number, for so many were God’s commandments, which tend to virtue and edification. *Winwood’s Memorials*, vol. III. p. 193.

† I find, by an answer of the King to some complaints which had been presented to him, that the Commons had numbered proclamations in their list of grievances: He promises, in this answer, a reformation in the point of proclamations. Public regulations, such as the peace of the borders, the safety of the sea, and others of this nature, had been all settled by proclamations; and James had affected to give them the force of acts of parliament. *Parl. Hist.* vol. V. p. 250.

that

Anno 1610.
Winwood's
Memorials,
vol. III.
p. 235.

that he was in want?" Sir Henry Neville, from whom the answer was expected, firmly returned, "He believed that he was." "Then, said the King, tell me, whether it belongeth to you, who are my subjects, to relieve me or not?" To this Sir Henry made this honest answer, "Where your expences grow by the commonwealth we are, otherwise not." He then put the King in mind of the large supplies he had received, without relief of grievances: And on being pressed to tell what they were, he began to enumerate them so frankly, that one of the members took up the speech, fearing that Sir Henry's integrity would endanger his person. The sudden dissolution of the parliament was not the only symptom, at this period, which James had shewn of an intention to attempt absolute power. Cowel, a civilian, and Blackwood, a clergyman, had written two books subversive of the English constitution. One attempted to prove, that the King was not bound to call parliaments, or to obtain their consent to raise subsidies; the other, that the English were all slaves from the Norman conquest. These books James had not only licensed, but had had the indiscretion to praise the former publicly, with many encomiums on the civil law, in preference to the common law. Both Cowel and Blackwood escaped the resentment of parliament; not that the offence passed unnoticed, but it was dropped in the throng of their business, on the King's publishing a proclamation to recal the licence of the books. In a speech to a committee of the house concerning these books, he compared the sovereignty of princes to the power of the Deity; but concluded with this salvo, that however the sovereignty of kings was
absolute

Parl. Hist.
vol. V.
p. 221, &
seq.

absolute in general, yet in particular the kings of England were restrained by their oath, and the privileges of the people *. Anno 1610.

In spite of James's extreme passion for peace, he had been obliged to take part in the feuds upon the continent. The emperor had seized upon the possessions of the duke of Cleves, who was lately dead; the heirs implored the assistance of the Protestant powers. If the house of Austria had succeeded in their attempts upon Cleves and Juliers, the States must in all probability have fallen again under the subjection of that power, who would have hemmed them in on all sides. The English ministry were so sensible of this, that they offered to the princes claimant an assistance of money, or of four thousand men, who were then in the pay of the States-General †. Affairs of the continent.

* This extraordinary speech is only preserved in Wilson: "The King's heart, he tells them, is in the hand of the Lord, who can create and destroy, make and unmake; so kings can give life and death, judge all, and be judged by none. They can exalt low things, and abase high things, making the subjects like men at chess, a pawn to take a bishop or a knight. But that all kings, who are not tyrants, or perjured, will bind themselves within the limits of their laws; and that those who persuade them to the contrary are vipers and pests, both against them and the commonwealth. Yet, as it is blasphemy to dispute what God may do, so it is sedition in subjects to dispute what kings may do, in the height of their power."

Some have supposed this speech to be made on purpose to heighten the ridicule on the character of the author; but hints of such a speech are mentioned in Winwood's Memorials, and it carries too strongly the marks of the royal orator to bear such a supposition. *Wilson*, p. 46. Vol. III. p. 136, 141.

† The princes claimant were, the elector of Brandenburg, the duke of Newburgh, the duke of Deuxponts, Charles of Austria (marquis of Burgaw), the elector of Saxony, the duke of Nevers, and the count of La Marck. The powers who opposed the Austrian interest reduced the number of the competitors to the elector of Brandenburg.

Ann. 1610.

The king of France was making great preparations * for the same purpose, when he was prevented by death, not without some suspicions of its having been procured by Spanish machinations. Ravallac, the assassin, was a poor enthusiastical friar, whose zeal for Popery had been worked up to a pitch of desperate madness. The Austrian family were always zealous defenders of that faith. Henry was esteemed an heretic in his heart, and was now entered into a Protestant league to lessen the power of Catholic princes. The court of France was so far from pursuing his intended plan, that it intimated an intention of not engaging in the German war at all. The allies were obliged to have recourse to James as their head, who entered into a league with the princes for six years, on the same terms as

denburgh and the duke of Newburgh, whose claims were best founded. The Protestant princes of Germany were in alliance with James, and termed themselves the Evangelical League to support the Protestant interest against the intrigues of the courts of Spain, Vienna, and Rome.

* These preparations, as Sully pretends, were designed to execute a scheme which Henry had been projecting for some years. If there is truth in Sully's detail of it, it was one of the most romantic undertakings which knight-errantry ever suggested; the plan being no less vast, than to subdue the house of Austria, enlarge the bounds of the territory which the Christians possessed, and afterwards to make such a division of it as should easily preserve an exact equilibrium between its powers; this to be performed by a general league, when Henry had demonstrated to all the Christian potentates the utility of his design. The difficulty, and even the impossibility, of bringing such a number of interested sovereigns to an uniform inclination, as also the discord which would inevitable arise on all occasions during the prosecution of the plan, is an invincible obstacle, which must occur to every understanding. Many objections lie against every part of it; but these, with the whole of the scheme, would be too copious a work to be inserted here.

had

had been agreed on when France was in the alliance. Ann. 1610

The resolutions of the French court changed suddenly. They sent a detachment of eight thousand foot, twelve hundred horse, and eight pieces of cannon, to the prince of Orange, who at this time had almost taken Juliers: it surrendered soon after. The loss of so important a place obliged the emperor to lay aside his designs upon this territory.

The Jesuits, whose avowed principles * subjected them to the odium of all dark transactions, from the terror of the late assassination, became so formidable to James, that he readily complied with a request of parliament to put in force the laws against Papists; and an oath of allegiance was exacted from the subjects in general †, both men and women.

Three separate courts, the King's, the queen's, and the prince of Wales's, displayed the prodigality and pomp of royalty. Expence, shew, and revelry, were the characteristic of each. Whilst this triple scene of lavish riot glared in the eye of the public, the courtiers had the assurance to condemn with insolence the just frugality of parliamentary supplies, and with premature triumph exulted in the dissolution of that assembly. They boasted that the King would find means by his power to supply his necessities, and

* The Jesuits have been generally reputed the authors of Henry's assassination. They were recalled to France by the authority of this prince, and contrary to the express desire of the parliament, who remonstrated against registering the edict for their re-establishment.

† The Lords had paid the King the compliment of passing a bill in their house, which inflicted exquisite tortures upon any who attempted his life. *Winwood's Memorials*, vol. III. p. 194.

thus

Ann. 1610. thus emancipate his prerogative from those derogatory restraints.

Affairs of
Scotland.

While James dreamed of enjoying an absolute power in England, he actually exercised it in some measure at this time in Scotland. In consequence of a former prohibition, he declared the assembly of the clergy unlawful, prosecuted some of the most forward members for treason, and obtained their condemnation *. Other members he sent for up, and questioned † them before his council, concerning the extent of his power. Not meeting with satisfactory answers, through the fear of the party, he made it a pretence to imprison them; then availing himself of the terror of these proceedings, he erected a kind of High-commission court in Scotland, and sent for the archbishop of Glasgow, and two other Scotch prelates, to be consecrated by English

* This was effected by the intrigue and illegal management of the earl of Dunbar, who was sent down to Scotland, as James's commissioner on this errand. He packed the jury, and, by the force of promises and threats, obtained a sentence of condemnation from the judges. *Original Letters by Sir Dav. Dalrymple, 1762, p. 1, & seq.*

† These are the queries: First, "If it be lawful to pray publicly for persons convicted by the lawful judge, as persons being in distress, and afflicted? Second, Whether I may not, being a Christian king, by my authority royal, convocate, prorogue, and desert, for just and necessary causes, known to myself, any assemblies and meetings within my dominions? Third, Whether or not may I, by my authority, call and convene before me and my council, whatsoever person or persons, civil and ecclesiastical, for whatsoever offences committed by them, in whatsoever place in my dominions; and if I may not take cognizance of the offence, and give sentence therein? And farther, Whether or not are all my subjects, being cited to answer before me and my council, obliged to compare and acknowledge me or them for judges in these offences? *Spotswood, fol. ed. 1677. P. 497.*

bishops,

bishops, that the episcopal virtue might be preserved by succession in Scotland; and such was his present authority and influence in this country, that the general assembly was induced to submit to their visitation.

Richard Bancroft, the great persecutor of the Puritans, died soon after. He had carried his violence such a length, that the number of families which determined to seek refuge in Virginia were numerous enough to cause a jealousy of their power in that colony, and were detained in England by a proclamation. The enormities of the High-commission court, that grand sphere of regal and ecclesiastical tyranny, were strongly urged the last parliament *, and some concessions demanded. All the satisfaction which could be obtained, was a promise of a better regulation, though it was well known, that there could be little hope of amendment, while the power from whence the enormities flowed, continued unrestrained. Bancroft was succeeded in the archbishopric by George Abbot, a prelate of so different a mould, that his mild and laudable management subjected him to the hatred of the high party, and the suspicion of being tainted with puritanical principles.

* A bill, which had been rejected by the Lords the two first sessions of this parliament, again passed the lower house, and was read by the chancellor's appointment in the upper house. It was entitled, "An act for restraining the executions of canons ecclesiastical, not confirmed by parliament." Bancroft advised the King to prevent such a bill from coming to a vote; as the argument urged for it would call in question the King's supremacy. To this, therefore, among other causes, may be attributed the sudden dissolution of the parliament. The prelate accompanied this advice with a subsidy extraordinary granted by the clergy. *Original Letters by Sir David Dalrymple*, p. 12.

Ann. 1610.

James, who idolized his imagined powers of controversy, set a design this year on foot to erect a college for the improvement of that kind of learning; he gave towards it all the timber requisite for the building, and obtained an act of parliament to enable the trustees to dig a trench out of the river Lea, to erect water-works to supply the city of London with water. A brief was given in their favor to collect money from all the parishes in England. Large contributions were made by many of the clergy. James himself laid the first stone of the building, and Bancroft was zealous in the cause. Notwithstanding these primary encouragements, it fell afterwards to nothing, through a jealousy of the people, that it would prove a seminary subservient to the purposes of the court, and, instead of improving and enlightening, vitiate the morals and darken the opinions of its pupils.

C H A P. IV.

Rise of Somerset.——Death of prince Henry.——Marriage of the princess Elizabeth.——Origin of baronets.——Parliament.——Dissolution of the parliament.——Overbury's murder.——Rise of George Villiers.——Fall of Somerset.

Anno 1611.

OF the peculiar qualities and foibles which the character of James had displayed in various lights to his English subjects, one of the most striking remained yet in obscurity; but an incident, partly designed, and partly accidental, exhibited an affection as violent as it was extraordinary. James, though of a very partial disposition, had hitherto extended his favors almost equally

equally to all who were connected with him, by an intimate attendance on his person, or in the way of business. Ann. 1611.

The Scots, who, from a long acquaintance, had a thorough knowledge of his failings, knew that he could not always restrain himself from enjoying the pleasure of a favorite, and had often attempted to recommend one of their own nation. The Lord Hays at length succeeded: Robert Carr, a youth of a beautiful person and graceful air, by the means of this nobleman, presented the shield to the King at a tilting. In performing his office, his horse started, and threw him; the fall broke his leg; extraordinary emotions of compassion seized the King; the lamed youth was, by his directions, carried into his own palace, attended constantly by his own physicians, and he visited him often during the course of his confinement. From this beginning sprang such an ardent affection, and current of favor, that on his recovery he was made a knight, and gentleman of the bed-chamber. The treasurer's staff of Scotland, the title of viscount Rochester, privy-counsellor, and knight of the garter, followed in a quick succession; and through this channel flowed all preferments. Rise of Robert Carr.

The whole business of the ministry at this time was the forming projects to bring in requisite sums to support the King's extravagance. A parcel of crown-lands were set up to sale, but met with no buyers, from the precariousness of their tenure. The city of London was tried to no purpose for a farther loan *. Then resuming Projects to raise money.

* The King's vain endeavors to get money by the way of loan, appears by the following letter from Mr. More to Sir Ralph Winwood.

Ann. 1612. the crown-lands lavishly granted, pawning the jewels, seizing (on various pretences) the effects of foreign merchants, engrossing the trade of certain commodities, the bringing in *quo warrantos* against corporations and companies, to oblige them to sue forth the renewal of their writs, were all proposed *; but they were rejected, as either incurring danger, or interfering with the interest of the favorites. The raising the farms of the revenue, selling the forest woods, a benevolence, monopolies, extorting money for knight-hood, and the circulating the privy-seals all over England, for the sum of two hundred thousand pounds †, were the only ones ventured on.

“ A few days since, thirteen of the best-monied men of this city, to whom his majesty is in debt, were sent for to Whitehall; where my lord-treasurer told them, their interest should be readily paid them; and prayed them to forbear their principal for a while longer, and withal to lend what more they could furnish, upon good security. But they could not be induced to any farther loan, nor very willingly to forbear that which is already out of their hands, any longer than needs they must. Since, some of the Exchequer-officers have been dealing with divers citizens in particular, to lend upon private security, but their motions had very small effects. Here is now four thousand pounds more of crown-lands set to sale; but I see no undertakers ready to entertain the bargain upon so short days payment as are required; so think my lord will be in some pain even to furnish the expence of the approaching feast.” *Winwood*, vol. III. p. 239.

* Among the projectors for encreasing the revenues of the crown without the assistance or concurrence of parliament, Sir Francis Bacon was the most forward. He seems to be certain of the infallibility of a scheme he had formed for this purpose, and tells James in a letter on the occasion, “ That if any of the particulars fail, it would be rather from want of workmanship of those who should deal in them, than want of materials in the things themselves.” *Cabala*, fol. 1663, p. 28.

† “ The resolution is now taken to send forth the privy-seals, and that in so great a number and measure as to draw

The Spanish match, that mine from whence the King expected to supply all his wants, and from the hope of which he had dissolved the parliament, was now entirely at an end, the English ambassador having at this time received a direct refusal of the promised alliance. This refusal, which James little expected, was given with the insulting addition of an offer of the youngest daughter on the same slippery foundation, which had so cruelly deceived his expectation. A double alliance between the courts of France and Spain, which was now thought of, and soon after concluded, obliged the Spaniard to discover the insincerity of his intention.

Neither the pleasures, the vexations, nor the business of his station, prevented James from interfering in speculative points, and exposing his pedantry to all Europe. Four years before this he had written a treatise * against the pope's pre-

two hundred thousand pounds, if they shall be accepted, whereof it is doubted some difficulty will be made. My lord-treasurer is to deal with this city, Middlesex, Hertfordshire, and with the officers of the court of Wards; and every judge with such officers and principal pleaders as have relation unto them: Wales shall be exempted, but no shire of England. I send your lordship herewith a copy of the privy-seal. In the minute of his majesty's letter to the lieutenants of the shires, I find these points to be observed: That his majesty declareth never to have had more need than now; that though he cannot wholly forbear those who lent the last loan, yet they shall not be charged with so much as before by a third part; that the nobility are not to be recherched, neither yet the clergy, who for their temporal livings shall be dealt with by their metropolitans, and as for their spiritual livings, they are much less than his majesty could wish them." Mr. More to Sir Ralph Winwood. *Winwood*, vol. III. p. 301.

* Cardinal Bellarmine, in an answer to this treatise, charges James with having written from Scotland a letter to pope Clement VIII. recommending the bishop of Vaissou to a cardinal's cap, that he might manage his affairs at the

Anno 1612. tensions of power over temporal princes, and had ordered his ambassadors to present it at their several courts *. This year Conradus Vorstius, divinity professor at Leyden, had published a book in Holland on Armenian principles, and contrary to the common received tenets of free-will and predestination. James was so inflamed at the heresy †, that after having commented on the

court of Rome. James denied the fact, and the lord Balmerino, his secretary, had the compliance in a public trial to take it upon himself, and confess he had surreptitiously procured his hand to such a letter. On these superficial grounds, James obtained from his subjects a degree of confidence which helped to introduce episcopacy in Scotland.

This treatise was called "A Premonition to all Christian Princes." Wooton, the ambassador at Venice, had some assurances, that if he presented this book to that state at his first audience, it would be very well received, the republic of Venice being then at variance with the pope. Wooton had such positive orders to present it on St. James's day, that he could not comply with the advice. Before St. James's day came, the difference was made up, and the answer which the ambassador received was, that the republic of Venice thanked the King of England for his good will, but that they were now reconciled to the pope, and therefore were resolved not to admit of any change in their religion, according to their agreement with the court of Rome.

We learn from Wilson, that in the heat of the plague at London, the ceremony of James's coronation was performed on the day dedicated to St. James. *Welwood's Memoirs*, 1700, p. 35, & seq. *Wilson*, p. 5.

† James's quarrel with Vorstius was a personal one; he took offence at the ironical manner in which he is treated in a work of this author. Barnevelt, the republican, patronized Vorstius, and prince Maurice opposed him: this circumstance perhaps increased the monarch's warmth. Salisbury expatiates on his master's zeal in these terms: "Almighty God (writes he) doth know the zeal which stirreth the King against that man (Vorstius) so kindles in him upon every accident of discourse, as we have all reason to bless God in making us subjects to a king, who, without mixture of glory or private design, taketh so much to heart the injury which is done to the Blessed Trinity." *Winwood*, vol. III. p. 316.

most

most offensive passages in the book, he sent an express injunction to the States to discharge and punish that blasphemous monster, as he called him *. The States paid so little regard to his opinion or commands, that Vorstius was acquitted with honor, and continued in his professorship. This drew from Winwood, James's ambassador at the Hague, so threatening a protest †, that it terrified his master, lest it should draw him into the inconveniencies of a war, and so cooled his resentment, that he made an excuse to Sir

* James makes use of the following curious argument to the States, for the propriety of their persecuting Vorstius on a matter of faith :

“ Finalement, sa majestie vous exhorte puisque vous avez prix les armes pour la liberte de vos conscience, & ayes tant pati par la continuation d'une guerre violente & sanguinaire l'espace de quarante années pour la profession de l'Evangile, estants venue au dessus de vos miseres, de ne permettre pas, que les disciples d'Arminius fondent sur l'exemple de vos actions, la mauvaise doctrine qu'ils trompetent au monde *de apostasia sanctorum*.” Sir Ralph Winwood's second remonstrance in the assembly of the States-General concerning Vorstius. *Winwood's*, vol. III. p. 304, & seq.

† Sir Ralph Winwood's protestation in the assembly of the States-General concerning Vorstius, 9 Dec. 1611, O. S.

“ De ces enormes indignitez commises contre l'eglise de Dieu, & sa personne, en preferant la presence de Vorstius devant son amitie & alliance, le roi mon maitre se tient obliger de se resentyr si reparation n'en soit faicte, & ce au plutoist; ce que ne peut pas estre que par la renvoy de Vorstius. Par les manifestes qu'il fera imprimer & publier au monde, il fera paroistre de qu'elle haine il deteste les atheismes & heresies de Vorstius, & tous ceux qui les maintiennent, favorisent, & fomentent.

“ C'est ma charge: Vous y pensera s'il vous plaist; & croyrez, que l'amitie & alliance du roi de la Grande Bretagne, & les atheismes & heresies de Conradus Vorstius ne sont nullement compatible. Il depend de vos jugement d'en faire choix: Penceinte des Provinces Unies ne pourront pas comprendre toutes deux.” *Winwood*, vol. III. p. 310.

Anno 1612. Noel Carron, the States' ambassador, for the petulance of Winwood *, disclaimed the intention of carrying the affair so high, and descended at last to offer to be contented with the removal of Vorstius out of Leyden, though the States should entertain him at their own expence in any other town in their dominions. James had been so severe in his protestations against Vorstius, that he had thrown out insinuations that his crime deserved the utmost rigor of secular punishment. Edward Wightman, and Bartholomew Legate, were actually burnt in England by his warrant, after having been convicted of erroneous doctrine, and canonically condemned by Neal bishop of Coventry, and King bishop of London †.

Two men
burnt for
heresy.

Death of
prince
Henry.

This year died Henry, prince of Wales, a youth of so forward a carriage, that he was thought to have become disagreeable to his father, though he was naturally inclined to an indulgent fondness for his family, and had shewn great marks of parental affection for this son. The English, who were extremely fond of the prince of Wales, from some popular sentiments he had highly declared, fancied they had received a great loss in his premature death; but in all probability the crown was more affected in this respect than the people. A martial monarch is always dangerous to the liberties of a commonwealth. Henry much affected that reputation; and this, with other superficial princely virtues, which draw on the esteem of the injudicious populace, would have been great impe-

* James had some intention of writing to justify himself on this point, and to throw the whole blame of the proceeding on his servant Winwood. *Winwood*, vol. III. p. 332.

† One of these unhappy people was lunatic at the time of his condemnation.

diments to the enlarged plan of Liberty which Anno 1612. took place in the succeeding reign. The people were undoubtedly inclined to favor him, from his avowed contrariety to his father, who at present had incurred so much popular odium, as to be, in the opinion of many of his subjects, accessory to his son's death.

Henry's decease was followed by the marriage Marriage of the princess Elizabeth. of the princess Elizabeth to the Elector Palatine. It was celebrated with the usual parade of the court *. The only remarkable thing immediately attending it, was the absurd observation of that superstitious age: Elizabeth, during the course of the ceremony, was elated with a joy which burst out into gestures which bordered upon laughter: this was reckoned the foreboding of her future misfortunes; as if a natural cause for these expressions of gladness could not have been properly ascribed to a virgin of fifteen, who was marrying a lover she liked, and on the point of being mistress of a court.

The recent fate of Arabella Stewart was a very The fate of Arabella Stewart. contrary one to that of her kinswoman Elizabeth. James, to whom she was cousin-german, had seized on her possessions, and reduced her to a pension. The unhappy maiden, tired of this dependant state, and urged by youthful inclination, entered into an intrigue with Seymour, grandson to the earl of Hertford, whom, notwithstanding several reprimands from the high powers, she privately married. Both the delinquents were seized on, but they made their escape, one on board

* The expence of the nuptials amounted to fifty thousand pounds. This princess's portion was forty thousand pounds, to be paid in two years; her jointure was ten thousand pounds a-year; and her pin-money one thousand five hundred pounds. *Rjmer*, vol. XVI. p. 733.

Anno 1612. of a French bark, the other on board of a Newcastle collier. The unhappy Arabella was retaken, and conveyed to the Tower. The fatigue she had undergone, the severity of her treatment, and the keenness of her disappointment, had so fatal an effect upon her tender constitution, that she immediately lost her senses, and soon after her life. Her husband did not venture to return to his country till after her death. The jealousy which the nearness of Arabella's consanguinity occasioned to the crown, was the undoubted, nay the avowed, cause of her melancholy fate *.

The resentment which the English in general conceived against the present insolence of the Scots †, required some sacrifice: The lord Sanquir, a Scotch peer, who was in no particular favor at court, and had been condemned for the murder of a fencing-master, was for this reason hanged, without hesitation.

Death of
Salisbury.

Among the losses which James sustained this year, the earl of Salisbury's death was not the least considerable. This minister was a careful servant, and, if the interest of the crown is to be

* On the first news of the flight of this unhappy pair, letters had been dispatched to the king and queen of France and to the archduke, requiring them to deliver them up, if they should land on their territories. The countess of Shrewsbury, who had given her assistance towards the match, was confined in the Tower; and the earl her husband to his own house. Sir Francis Bacon displayed his genius in aggravating the supposed crimes of all who were concerned in this trivial matter.

† Many duels were fought between the individuals of the two nations. One of the Scotch court-domestics had offered a gross affront to a benchman at Gray's Inn. Another had beaten Philip Herbert, younger brother to the earl of Pembroke, who was rewarded with a peerage for his pusillanimity in not resenting the affront.

considered

considered in contradistinction to that of the people, a faithful one; his abilities as a statesman were not despicable; his qualities as a courtier were fawning and pernicious, but they are too common to that station to be worthy any farther remark. He was succeeded in his ministry by the earl of Suffolk and the favorite Rochester, both men of mean capacities. The latter was soon after created earl of Somerset, and enjoyed so much of James's affection, that he said openly in his council, that he took more delight in Rochester's company than in any man's living.

The difficulty of raising money still increasing, a project which had been formed by Salisbury was now carried into execution *. An hereditary rank, which should take place after a baron's youngest son, and dignified by the title of Baronet, was purchased from the crown, at the price a thousand pounds †. An inferior order to them, with the title of Knights of Nova Scotia, at the price of three hundred pounds. The dignities of baron, viscount, and earl, were fixed respectively at ten, fifteen, and twenty thousand pounds.

Origin of
baronets.

* A commission was given to Sir Julius Cæsar, Sir Thomas Parry, Sir Francis Bacon, Baron Sotherton, Sir George Cary, Sir George Moore, Sir Walter Cope, and others, to devise and project the best means to get money.

At this time, James made offer of a large parcel of plate, pawned to queen Elizabeth by the States-General, in 1587, and belonging to the house of Burgundy, to be redeemed; threatening, that if it was not, he would melt it down.

Winwood, vol. III. p. 385, & seq.

† Each knight was to maintain thirty foot-soldiers in Ireland for three years, at the rate of eight-pence a-day, and to pay the wages of one year, upon passing the patent. The whole sum which was raised upon these baronets was one thousand ninety-five pounds, as a composition for their maintaining the soldiers in Ulster. *Baker's Chronicle*, 1679, p. 416. *Gutbrie*, vol. III. p. 704.

The

Anno 1613. The Star-chamber also took every pretext to condemn to excessive fines, for the King's use, those who were cited before them.

Ireland had, in this reign, been totally subjected to the jurisdiction of England. James granted to the city of London the liberty of planting a colony in Ulster: and this year the civil government of the plantation was new regulated; and Londonderry and Coleraine fortified. The absurd custom of duelling had been imported into this country from France; there it had taken its rise and growth, under that romantic prince, Henry the Fourth: He had in some respect been the occasion of the ignominious fate of the lord Sanquir, by asking him, with an air which was construed by the unhappy nobleman significant, "Whether the fencing-master (whom he afterwards on this hint murdered, and who had put out his eye in a fencing-bout) was yet alive?"

Four able men were at this time at the head of the law: Sir Edward Coke, Sir Henry Hobart, Sir Francis Bacon, and Sir Henry Yelverton. This last had distinguished himself very eminently in an opposition to the large grant which was given to the crown in the third session of parliament. Sir Francis Bacon, on his entering into the office of solicitor-general, prosecuted Priest and Wright, two duellists; he made a speech in the Star chamber on the occasion, which was much admired; but the objects were of too mean condition to strike an important example. Duelling was not the only flagrant disorder which had crept into the commonwealth: The excessive love of pleasure which possessed the court infected all ranks of men: every night produced masks, in which people of fortune engaged; idleness,

idleness, expence, and pleasure, took place of Anno 1613.
 industry, frugality, simplicity, and learning.
 Nor was the evil partially extended: Spacious
 buildings were erected for exhibiting theatrical
 performances * to the multitude; and these
 shews, which carry in them a poison subversive
 of the virtues on which the welfare of large so-
 cieties is founded, became the idols of the
 people.

The filial piety of James, which had lain long
 dormant, now for the first time exerted itself to
 action. The body of Mary, queen of Scots, The body of
 Mary queen
 of Scots re-
 moved.
 was removed at his expence from Peterborough
 to Westminster, and a tomb with many pompous
 inscriptions erected.

Among the regulations enacted this year in the
 councils of Scotland, the following one carries
 with it too much of the disposition and turn of
 thinking of the monarch to be omitted: The
 counsellors, to keep their persons and places in
 great respect, were commanded to ride in the Spotswood,
 streets, either with foot-cloths or in coaches,
 but never to be seen on foot.

The court, notwithstanding the large sums it
 had exacted on various pretences, was at length
 driven into the necessity of parliamentary resources.
 A public lottery, the first of its kind in England,
 afforded a small delay; but the invention of the
 ministry being drained as empty as the Exche-
 quer, a parliament was called for the fifth of Parliament,
 April, 1614. It may be remembered, that the Anno 1614.

* These were destructive to the religious sentiments as
 well as the morals of the vulgar. A statute was enacted in
 the third year of James's reign, for preventing and avoiding
 the great abuse of the holy name of God in stage-plays,
 interludes, may-games, shews, and such-like. *Vide Statutes
 at Large.*

Ann. 1614. last parliament had been a very refractory one: The present ministry flattered their master, from the boasted management of elections, that a contrary spirit would certainly prevail in this. It was from such assurances that James assented to the trial, and assumed so much as to demand contribution without bargain; and to declare he would rather lose his life, than the honors and flowers of his crown *. The first business which the parliament entered on, was the settlement of the succession on the issue of Elizabeth, in default of the male line †. After this, both houses were summoned into the royal presence at the Banqueting-house at Whitehall; where the monarch, after some excuses and protestations up-

Parl. Hist.

* The following, which is the exordium to the speech he made at the opening of the session, is in too peculiar a style to be omitted by an historian.

“ It is the saying of the wyfeste king that evere was, that the harte of kings weare inscrutable; but in the last parliament, I muste calle to your remembrance the comparrifone I used, whearin I presented myselfe unto you as a mirrore, whearin you mighte cleerlye see the integretye of my purpos for lentheninge that parliament for the generrall good and benefyte of the commonwelthe; but as I then sayd of the nature of a mirrore, that it mighte be deffyled by the eyes of the behoulderes, so did some of the lowere house looke upon me with poluted eyes, and, as I may, saye, deffyled my mirrore. I canne say no more nowe than I did then, but to offere you the same mirrore, to look to, protestyng, as I shall answere it to Almyghty God, that my integretye is like the whitnes of my roabe, my purety like the mettle of golde in my crown, my firmnes and clearenes like the precious stones I weare, and my affectyones naturalle, like the rednes of my harte.” *Parl. Hist.* vol. V. p. 273.

† This settlement, which was in consequence of a demand of the King, and the recognition-bill in the beginning of his reign, are two of the remarkable instances which shew that the hereditary succession to the crown of England is not absolute; and that such a monarchical claim is founded on the neglect of asserting the right of assent, and not on any clearly-proved principles in the constitution.

on the abuses of the government, recommended to them, with earnestness, concord with the crown, and unanimity in granting a supply *. Notwithstanding the cautious endeavors of the ministry, it quickly appeared that the members were not of the proper stamp to serve the court purposes. The opposition carried a motion against the attorney-general's serving as a member of the house of Commons. In the debates on this subject, Sir Roger Owen shewed, that no attorney-general was ever chosen; nor, anciently, any privy-counsellor; nor any who took livery of the King. The precedent he quoted for this was in the seventh year of Richard II. when a knight banneret was rejected on this account. It was resolved on the question, that the attorney-general should remain in the house for this parliament, but that he should never serve for the future. James had condescended to solicit the house, that the attorney-general might keep his seat this parliament. The courtiers exhausted their arguments for a speedy supply; but it was determined that a redress of grievances should precede it. Committees were appointed for preparing lists of all the national complaints. The indulgence to the Papists, and severe treatment of the non-conformists, were vehemently complained of. A bill

* The arguments he made use of for this purpose were as follow: "That as the laste parliamente begane with trouble and contentshone, and ended so, so this maye begine with alacritye and love, and conclude so lykewise; whaer fasty shall be abroade, and love at home, and all asperffiones and rumores of discontente betweene me and my people shall be taken awaye, and wee maye synge together, *Ecce! quam bonum & jucundum*. And when you shall retwrne to your contraye, you shall have prayfes, and be approved in the choyse made of you, that you have given contente to your King." *Parl. Hist.* vol. V. p. 285.

Ann. 1614. was prepared for preventing taxes and impositions on merchants; and the debate on it proceeded with becoming warmth. In a question, whether the King had a right of imposing taxes, it was unanimously carried in the negative; notwithstanding the corruption of the judges had given it against the people. Certain patentees for monopolies were ordered to surrender their patents. Sir Thomas Parry, one of the creatures of the court, who had been the most busy in managing elections, was expelled the house *. The King had sent to desire that Sir Thomas's punishment might be left to him, with a promise that it should be more severe than the Commons themselves would inflict. This request was not granted. Orders were issued for the officers of peace for London and Middlesex to bring in the letters they had received in favor of Popish recusants.

Debates.
Journals,
vol. 1. p.
493.

In a renewed debate concerning impositions, Sir Henry Wootton (who had been employed as ambassador to Venice) and Winwood (the present secretary of state) attempted to prove, that all hereditary princes had a right to impose taxes, though elective ones had not; and instanced the princes of Germany and Italy, with the kings of France and Spain: particularly Henry IV. raising fourteen million eight hundred thousand livres, by an imposition on salt only. These absurd comparisons between princes whose powers and prerogatives were different, according to the different limitations of their respective governments, were ridiculed by the house. Sir Roger Owen advanced, " That the imposition laid

* Warm arguments were urged against this business of undertaking. Sir Roger Owen asserted, that it was one of the articles for deposing Richard II.

by the French king was an usurpation, and contrary to the fundamental laws of France; that the dukedoms of Florence and Milan were mere tyrannies." Sir Thomas Roe, "That if the kings of Spain had such a power, they had received it from the cortes, or parliaments." Sir Edwyn Sandys observed, "That the courtiers' arguments made against themselves, since the French king had raised so immense a sum on his subjects from such an assumed power; that the kings of France, and the rest of the imposing princes, do also make laws, which in a short time will bring all things to a tyrannical course and confusion, both to prince and people: witness the death of the last great imposing prince." In answer to the distinction between an elective and an hereditary prince, he maintained, "That all kings were originally elected, except such as came in by the sword; whom, for that reason, it was lawful to expel by the sword, whenever the people had the power to do it*." A de-

* Sir Edwyn Sandys had expressed his resentment of this usurpation with great vigor and spirit, when the subject of impositions was first argued in the house.

"Some other princes, he said, had imposed, but never claimed, any right; now, the King had claimed it in open parliament: they upon four or five; this King upon so many hundreds: they but for a few months, and, at the prayer of the Commons in parliament, put down; here made perpetual by letters patent. That this liberty of imposing trenches on the foundation of all our interests, maketh us bondmen, giveth use but no propriety; the King may by the same reasons make laws without parliaments."

It appears by the Journals, that James, after obtaining the judgment of the Exchequer, had published certain settled arbitrary rates and imposts upon goods, for himself and his heirs for ever. The Commons said, that this was strange, because no proclamation bound longer than the King's life; that the judgment in the Exchequer was erroneous and un-

Anno 1614. mand was made for a conference with the Lords* concerning a remonstrance against the King's imposing taxes without the consent of parliament; and the Commons displayed an admirable skill, aptness, and judgment, in drawing up the heads on which they were to proceed. The Lords shewed themselves extremely jealous of so spirited an exertion, and refused their consent to a conference. This brought on a complaint against Richard Neile †, bishop of Lincoln, who, in an advice to the Lords not to agree with the request of the Commons, had affirmed, the matter on which the conference was desired struck not only at the branch, but at the root of the prerogative; that it was contrary to the oaths of allegiance to confer on it; and that he doubted not but there would proceed some undutiful and seditious speeches from the committees of that house, which it would be unfit for them to hear.

constitutional; and that the matter was above all judgment, but that of parliament. *Journals*, vol. I. p. 472, 481, & seq.

* Sir Roger Owen, who was appointed to open the conference, was directed to make the following observation: That the King, in answer to the last petition of the Commons on this head, had referred them to the law of the land, and yet in the mean time proceeded to multiply impositions. *Journals of the Commons*, vol. I. p. 481.

† The following is an anecdote which will serve to illustrate the character of this prelate.

Niele, bishop of Lincoln, and Andrews, bishop of Winchester, being at dinner with the King in public, James in this situation had the imprudence to propose aloud this question, "Whether he might not take his subjects' money without consent of parliament?" The sycophant Neile replied, "God forbid you should not, for you are the breath of our nostrils." Andrews declined answering, and said, "He was not skilled in parliamentary cases." On the King's urging him, he replied pleasantly, "I think your majesty has an undoubted right to my brother Niele's money." *Life of Andrews, Bishop of Winchester*.

Many

Many expostulations passed between the two houses on this subject*: The Commons refused to proceed on any business till they had received full satisfaction, which occasioned an angry message from the King, threatening to dissolve them if they did not proceed on the business of supply†. Papers of arbitrary projects to govern without parliaments were every night flung about the streets. Neither did these covered or open threats deter the commons from keeping firm to their resolution. The King finding that it was

* In the debates of the lower house, it was proposed to pass a bill to seize his bishopric for seven years towards a supply. Many members testified their concern that the King should be beset with such parasites. Mr. Alford was for carrying their complaint to the King. Sir Jerome Horsey said, That they had had continual interruption all this parliament; that this bone amongst the rest was thrown in by a devil, if a bishop might be a devil; he wished a select committee might be nominated to consider of an immediate message to the King. Sir Edwyn Sandys justly observed, That to go immediately to the King would wrong the liberties of the upper house. The Commons were determined by the judicious arguments urged by this member. It was ordered, on the question, that there should be a cessation of all business, but proceedings on the bishop of Lincoln, till an answer should come from the Lords concerning that matter. The next day the house received an admonitory letter from the King, to desist from their resolution. They were on the point of coming to some severe resolution against misinformers, when Sir Thomas Lake, one of the secretaries of state, discovered that the King had been shewn the order by the speaker, who received a severe reprimand from the house, for his unparliamentary proceeding. The anger of the Commons against this offending prelate was heightened by James's meddling in the matter; and, though they received a softening proposal from the Lords, they adhered to their resolution of obliging the bishop to answer at the bar of the house of Commons. *Journals*, vol. I. p. 496, & seq.

† On an enquiry into the King's necessities it was found, that he was already one million two hundred thousand pounds in debt, and that upwards of eighty-five thousand pounds went yearly in pensions.

Anno 1614.

Dissolution
of parlia-
ment.Journals of
Commons.

impossible to obtain a supply, without remitting some of his high pretensions, and fearing for his creatures, should the parliament continue to sit, dissolved them on the seventh of June, before one statute was enacted. In this parliament the opposition had fallen very violently upon the new-created titles, on the lottery, on the admission of Papists to offices and honors, and on the many proposals which had been made to marry the King's son to a Popish princess. Neither did the increasing growth of luxury, which had been too successfully propagated by the example of the court, escape the censure of the patriot members: A bill against gold, silver, gilding, &c. was brought into the house, and received with approbation. It was pleaded, that this sumptuary law was consonant to the ordinances of God and nature; that vain expence in apparel, and other kinds of shew, was the cause of the want of hospitality: and, to convince the house of the enormous height this despicable vice had arisen to in that centre of extravagance and folly, the court, an example was brought of a great courtier having expended eighteen pounds a-year upon shoe-strings. James was so injudicious as to wreak his vengeance on the leading members; and several of them were thrown into prison: Thomas Wentworth, afterwards earl of Strafford, was one of these sufferers *. A benevolence was

* This member had expressed his disapprobation of the measures of the court, in a manner improper and intemperate; he applied the two following verses from the prophet Daniel to the late king of France and the king of England: "Then shall stand up in his estate a raiser of taxes in the glory of the kingdom; but within a few days he shall be destroyed, neither in anger, nor in battle. And in his estate shall stand up a vile person, to whom they shall not give the honor of the kingdom, but he shall come in peaceably, and obtain

demanded in a very arbitrary manner; but it met with such a firm spirit of opposition from all ranks of men, that it answered very indifferently the purposes of the court. Anno 1614.

The king of Denmark paid his brother-in-law another visit, and dissipation continued strongly to prevail. Whilst this monarch was in England, a court-cabal began to threaten the fortune of the favorite Somerset; a man who differed in no respect from the common herd, excepting in the degree of his vices, which had attained an enormous height from the pampering of a luxurious court. A viciousness which had no balance from sense, experience, or judgment, drove him into excesses which at length afforded his enemies a full opportunity to effect his ruin.

The lady Frances Howard, daughter to the earl of Suffolk, was one of the beauties of the court; though married while yet a child to the earl of Essex, she now conceived a violent affection for the favorite. The charms of their persons, the equality of their understandings, the sameness of their vices, soon produced a reciprocal passion, which they indulged without reserve. The earl of Essex was yet on his travels, but returned soon after the commerce began. He became one of Lady Frances's admirers, and pressed for the possession of his privileges. She, attached to the glittering fortune of her paramour, refused; not without hope, by the means of such a conduct, to regain her freedom. Essex, instead of attaining the accomplishment of his expected happiness, found a coldness, opposition, and reserve, which forbade all hopes of enjoy-

obtain the kingdom by flatteries." *Journals*, vol. I. p. 493.

Anno 1615. ment. The two lovers began to conceive assurances of carrying their most sanguine wishes into execution; and a process was commenced by the countess against her husband for insufficiency. James, who condescended to be a party in all the intrigues of his favorites, interested himself so warmly in the affair, that a divorce was obtained on this plea *, though Abbot, archbishop of Canterbury, had declared very strongly against it. The divorce was followed by the marriage of lady Frances and the viscount; and kept with such ostentation by the court, that the city of London complimented them with an invitation to dinner. The bridegroom was made on this occasion earl of Somerset.

Overbury's
murder.

Sir Thomas Overbury, a man of some abilities, who had devoted his talents to the fortune of Somerset, had been the friend, the adviser, and the manager of all his business, depending on the freedom and sacredness of such a connection, exclaimed strongly to him against the folly and infamy of the match. Somerset had the weakness to tell his mistress; Overbury, from that

* James was present at the trial, and urged many arguments to the archbishop in favor of the divorce. The good prelate, notwithstanding the King's vehemence, dissented from the judgment which was given. The earl of Southampton writes thus of it to Sir Ralph Winwood; "Of the nullity I see you have heard as much as I can write; by which you may discern the power of a King with judges; for of those who are now for it, I knew some of them when I was in England were vehemently against it, as the bishops of Ely * and Coventry †. For the business itself, I protest I shall be glad, if it may lawfully, that it may go forward; though of late I have been fearful of the consequence, and have had my fears increased by the last letters which came to me; but howsoever, the manner of interposing gives me no cause of contentment." *State Trials*, vol. I. p. 226.
See *seq.* *Winwood*, vol. III. p. 475.

* Neile.

† Andrews.

hour,

hour, was doomed to destruction *, and, on the first trivial pretence which offered, flung into prison. In this state, rage and despair drew from him some indiscreet threatenings, which alarmed the fears of Somerset. He was conscious that Overbury was a formidable enemy, from the nature of the secrets he had been entrusted with. Self-preservation concurred with resentment; the murder of Overbury was determined and perpetrated. The means was an envenomed glister; but not till after his constitution had resisted poison, administered to him in various kinds of food. The unwholesome viands which had been given to this unhappy man shewed their effects strongly upon his carcase: the excuse given for his immediate burial, without inspection, was the foulness of his body, which, it was alledged, proceeded from an intemperate life: And the earl of Northampton, uncle to the countess, who was privy to the murder, mentioned in a letter to this purpose; "That God was gracious in cutting off evil instruments before their time."

Winwood, the secretary, obtained the knowledge of this dark transaction from the apothecary's boy, whose shop had supplied the poison. The secret of Overbury's murder was now in the possession of the cabal, who dealt it about so freely, that it became the topic of conversation in all companies. James began to waver in his affections; he had cast a longing eye towards the captivating attractions of George Villiers; but, either ashamed of his levity, or fond to an uncommon degree of dissimulation, he affected a

Rise of Villiers.

* This unhappy victim had been the encourager of the amour whilst it carried only the face of gallantry. He was not so squeamish as to be startled at vice, though his sense and experience made him reject folly.

Anno 1615 more than usual regard to Somerset. His real inclinations did not escape the penetration of Abbot, who pressed the queen to recommend the favored Villiers. She, out of hatred to Somerset, at length complied, though unwillingly. The reason of her unwillingness exhibits a remarkable trait of James's character: "My lord, said she to the archbishop, you and the rest of you know not what you do; I know your master better than you all; for if this young man be once brought in, the first person whom he will plague must be you who labor for him; yea, I shall have my part also; the King will teach him to despise and hardly intreat us all, that he may seem to be beholden to none but himself." James affected sagacity and design in his most trifling concerns, and insisted on the ceremony of the queen's recommending, that he might have to say, upon a complaint of the ill behavior of his favorite, "It was long of yourself, for you were the party who commended him to me." The queen's compliance introduced Villiers into the household; he was made a gentleman of the bed-chamber, and declared favorite in form. Abbot took great pains to form the disposition of the youth to virtue: but the soil which James affected was too barren for such a production.

Rushworth,
P 456, ed.
1721.

Fall of So-
merfet.

Somerset now perceived, notwithstanding his master's profound dissimulation, that his favor began to wain. He knew the inveteracy of his enemies, and was conscious of the advantages his crimes had given them. Tortured with the fears of guilt, and the precariousness of his situation, he solicited for a pardon, which he obtained in the fullest form. It was drawn up by Sir Robert Cotton, who copied the manner of a pardon granted by Henry VIII. to Wolsey, with the

the following questionable clause: "That the Anno 1615 King, out of his mere motion and especial favor, did pardon all and all manner of treasons, misprision of treasons, murders, felonies, and outrages whatsoever, by the said Robert earl of Somerset committed, or to be hereafter committed."

This pardon, though signed by the King, was impeded from passing the offices, by the enemies of Somerset. James by this time had received strong intimations of the guilty secret, but still acted the part of dissimulation, and retired with his quondam favorite to Theobalds; either with design to avoid appearing in the prosecution, or to fly from the clamorous rumors of murder. From thence he went to Royston, where he continued to treat Somerset with all the appearances of friendship; and at the same time ordered Sir Edward Coke, lord-chief-justice, and Sir Francis Bacon, the attorney-general to take upon themselves his prosecution. A warrant was actually served on him whilst James, who had an unseemly way of lolling on his favorite's neck, was indulging himself in that posture. Somerset exclaimed against the outrage of arresting him in the King's presence; but James could not be prevailed on to remit it; and feigning an entire ignorance of the affair, cried, "Nay, man, if Coke sends for me I must go;" then, after the most affectionate farewell, as soon as he was carried off, he exclaimed, "Go, and the deed go with thee, for I will neere see thy face more." He told the lord-chief-justice, that Somerset and his wife had made him a pimp, to carry on their bawdry and murder; and therefore commanded him to examine the affair with strict scrutiny, and to spare no man whatsoever; adding, "God's curse be upon you and yours if you

Anno 1615. you spare any of them, and God's curse be upon me and mine if I pardon any of them." Sir Jervis Ellis, lieutenant of the Tower, Franklin (the apothecary) and other delinquents, were apprehended.

Whatever was the nature of the secret, James's intimacy with Somerset had certainly produced an intercourse which gave him some uneasiness. The letters which Sir Francis Bacon wrote on the occasion of the prosecution prove that the criminal was, from this circumstance, formidable enough to require management. "He approves of a charm to be infused into Somerset's ear, but wishes it was more enlarged, and that the utmost favors should be continued, on condition of his prudent demeanors." Somerset continued so dogged and assured in his carriage, that there were thoughts of restoring him altogether to grace. Bacon, in another letter, dissuades the King from such an impolitic conduct, and advises certain hopes to be given to the criminal two or three days before the trial; "But all these hopes, continues he, of favor and mercy, are to be understood with this limitation; if he does not, by his contemptuous and insolent carriage at the bar, make himself incapable and unworthy of them." "That danger, returned James, is well to be foreseen, lest he, upon the one part, commit unpardonable errors, and I, on the other part, seem to punish him in the spirit of revenge."

Cabala, p.
36.

Ib. p. 37.

P. 54.

Somerset
wied,

After these precautions had been used, and the criminal at length convinced that his life depended upon his prudent behavior, the two principals were brought to their trial*. The coun-

* Sir Anthony Weldon relates an anecdote he had from Sir George More, lieutenant of the Tower. When he
(More)

tefs pleaded guilty *, and Somerfet made a languid defence. They both received sentence of death, and continued a long time in prifon; but

Anno 1615.

condemned,

(More) came to tell Somerfet he muft prepare for his trial on the morrow, he refufed to appear, and faid, “ The King durft not bring him to it.” On More’s informing the King of thefe expreffions, he burft into tears, and intreated him to ufe his utmoft fkill, and foorthe the prifoner, by whatever means, into temper and fubmiffion.

The fame author relates, that More, when Somerfet was brought to his trial, placed a fervant on each fide of him, with a cloak on their arms, giving a peremptory order, If Somerfet did any way fly out on the King, that they fhould instantly hoodwink him with that cloak, take him by force from the bar, and carry him off.

One of the precautions which Bacon had recommended to James was, to be careful to chufe a fteward of judgment, who might be able to moderate the evidence, and cut off digreffions; “ For I may interrupt, adds he, but I cannot filence.”

On the day of trial, when Somerfet was on the point of fpeaking for himfelf, the lord-high-fteward gave him the following caution: “ My lord of Somerfet, faid he, hath behaved himfelf modeftly in the hearing; and only this (before you fpeak for yourfelf) by way of advice I will fay unto you, in giving you two examples; Your wife, who yefterday confeffed the fact; and there is great hopes of the King’s mercy, if you now mar not that which fhe made. On the contrary, Byron, who, when the king of France ufed all the means he poffibly could to bring him to the acknowledgment of his offence: which if he had done, there was no queftion to be made of the king’s grace; and I think there never was, nor is, a more gracious and merciful king than our mafter; but Byron ftill perfifting in the denial of the fact, you know his end.” *Cabala*, fol. ed. 1663, p. 54. *State Trials*, vol. I. p. 346.

* At her arraignment appeared feveral letters which had paffed between her and her agents; the purpofe of which was the expected fuccefs of fome magical courfes which thefe people had undertaken, and this weak woman had depended on; for the ends of debilitating her husband, and rendering her lover conftant in his affection; feveral wax and brazen images, moulded for thefe purpofes, were likewife expofed. *State Trials*, vol. I.

had

Anno 1615. had afterwards, notwithstanding James's tremendous execration, a pardon, and enjoyed a pension of four thousand pounds a-year. In one of the letters which Somerset wrote to James after he was remanded to the Tower, there is this obscure paragraph: "I will say no farther, neither in that which your majesty doubted my aptness to fall into, for my cause nor my confidence is not in that distress as to use that means of intercession." The union of this guilty couple, which had been accomplished by the violation of the most sacred laws of society, became, from their mutual distaste, their severest punishment.

and pardon-
ed.

Cabala, p.
202.

These following instruments of the murder, Sir Jervis Ellis (lieutenant of the Tower *), Mrs. Turner, Weston (who had been appointed keeper to Overbury), and Franklin (the apothecary), were convicted and executed. Sir Thomas Monson, a creature of Somerset, was accused as a party, and brought to his trial, but for private reasons was remanded to prison †. The earl of

* Sir William Wade was removed from the lieutenancy of the Tower immediately before Overbury's confinement, and this instrument of Somerset's villainy substituted in his place.

† Sir Anthony Weldon tells the following story on the subject of this remand. The King being at the game of maw, said, "To-morrow comes Tom Monson to his trial." "Yea, said the King's card-holder; where if he does not play his master-prize, your majesty shall never trust me." This so run in the King's mind, continues the author, as the next game he said he was sleepy, and would play out that set next night. The gentleman departed to his lodging; but was no sooner gone but the King sent for him; what communication they had I know not (yet it may be can more easily guess than any other) but it is most certain, next under God, that gentleman saved his life; for the King sent a post presently to London, to let the lord-chief justice know he would see Monson's examination and confession, to see if it were worthy to touch his life for so small

Northampton, uncle to the countess, had been privy to all the circumstances of the murder, but died a little time after the perpetration of it *. He became, from the nearness of their connection, chief counsellor to Somerset; he was made warden of the Cinque-ports, and, by his connivance, the importation of priests and Jesuits went on freely. Abbot procured his disgrace by producing a letter of his to cardinal Bellarmine, wherein he declares himself wholly devoted to the see of Rome.

small a matter. Monson was too wise to set any thing but fair in his confession; what he would have stabbed with, should have been (*viva voce*) at his arraignment. *Weldon*, p. 103, & *seq.*

* The following is the copy of a letter from the earl of Northampton to Sir Jervis Ellis, lieutenant of the Tower.

“Worthy Mr. Lieutenant, let me entreat you to call Lidcote and three or four of his friends, if so many come, to view the body, if they have not already done it; and so soon as it is viewed, without staying the coming of a messenger from the court, in any case see it interred in the body of the chapel within the Tower, instantly.

“If they have viewed, then bury it by and by; for it is time, considering the humors of that damned crew, who only desire means to move pity and raise scandals. Let no man’s instance move you to make stay in any case; and bring me these letters when I next see you.

“Fail not a jot herein, as you love your friends; nor after Lidcote and his friends have viewed stay one minute, but let the priest be ready; and if Lidcote be not there, send for him speedily, pretending that the body will not tarry.

“In post-haste at twelve.” *Winwood*, vol. III. p. 482.

C H A P. V.

Coke's opposition.——He is deprived of his office.——Cautionary towns delivered.——Affairs of Scotland.——Ireland.——Holland.——Sir W. Raleigh's expedition.——His fatal end.——His character.

Anno 1615. **T**HE disgrace and ruin of the old favorite removed all obstruction to the rising fortune of the new one. James, from his want of money, had hitherto been deprived of enriching this minion; but the spoils of Somerset afforded him that satisfaction *. The unrivalled Villiers now shone forth in all the gaudy plumage of royal favor. James found in the disposition of the youth an unbounded levity, and a ductile licentiousness, which promised as glorious a harvest as vice and folly could desire. It was imagined that the change of manners in Somerset, from a trifling obscene buffoonery to a gravity tinged with sadness, was one of the principal causes of James's inconstancy, who now enjoyed a double felicity in the accomplishment of his wishes, and the cessation of his fears. In the midst of this triumph some crosses still thwarted him.

Coke's opposition.

Lord-chief-justice Coke, a man of a haughty temper, from some transactions which had happened during Somerset's trial, was extremely displeased with the court; this displeasure gave

* These spoils amounted to the sum of two hundred thousand pounds, and an estate of nineteen thousand pounds a year; an immense wealth, if estimated by the value of money in those days.

rise to an integrity which had never yet appeared Anno 1615. in his political conduct: He formed a strong party among the lawyers, and attacked the usurpations of the crown upon all occasions. Part of the prerogative concerning commendams to livings was now disputed in the Common-Pleas; the judges were against the crown, and had even the spirit to disregard a command from the King to stop proceedings. The command was delivered in a letter from the attorney-general, Sir Francis Bacon. The judges pronounced the command to be contrary to law, and as such they were not to obey, but to proceed to judgment as bound by oath. This roused James from his retreat at Royston; he sent a blustering reprimand to the judges, in which he highly asserted his prerogative, and treated their oath merely as a form devised by his predecessors, which, he said, could never be meant as a weapon to wound royal power. The judges were convened into the Star-chamber, and James displayed his arbitrary pretensions in a species of reasoning peculiar to himself. Coke maintained the justness of the refusal by the authority of two acts of parliament; and when Bacon officiously took up the cause of majesty, he excepted against such an interfering, as of an opposite nature to the office of attorney-general, who was to plead before the judges, not against them. The judges had not the courage longer to resist; and, to the great dissatisfaction of the chief-justice, meanly submitted the case to the judgment of the privy-council, who determined it for the prerogative. An answer of Coke's in this debate is worthy of record. On James's raising his voice, and asking the judges in a peremptory manner, "Whether if, in a case depending before them, he conceived

Mallet's
Life of Bacon.

Anno 1615. ed it to concern him in profit or power, and thereupon required to consult with them, and a stay of proceedings, whether they ought not to stay them accordingly?" all but the lord-chief-justice assented to the demanded obligation; but he with dignity replied, "That when such a case happened, he would do that which was fit for a judge to do."

Bacon, the greatest preferment-seeker of the age, to the abuse of his excellent talents, had sought aggrandisement by the most contemptible means. Ever the tool of authority, from the creature of Somerset he had become the creature of Villiers; blind and insensible to the superiority of true dignity, he eagerly pursued, in the most disgraceful manner*, that deceitful image of it which attracts the vulgar. From Villiers he had now the promise of succeeding the chancellor, who was in a visible decline. In a letter to James, full of the most servile adulation, he begged this place, and asserted it was the interest of the King to give it him. He objected to Coke's popularity; and said, "That such men were no sure mounters for his majesty's saddle; to Hobart, because he was no statesman; and if he and Coke were placed at both ends of the council-board, the prerogative would be cramped between the two lawyers, who would general-

Cabala,
p. 29.

* In a letter to James he draws a lively picture of his servility. "How honestly ready I have been, most gracious sovereign (writes he), to do your majesty humble service to the best of my power, in the commission of union, and this last parliament for the bill of subsidy, both body and preamble, in the bill of attainders, in the matter of purveyance, in the ecclesiastical petitions, in the grievances, and the like; as I was ever careful, not without good success, sometimes to put forward that which was good, sometimes to keep back that which was worse." *Cabala.*

self,

ly agree in exalting law above power. For my-
 self, says he, I can only present your majesty
 with *gloria in obsequio*; when a direction is once
 given, it shall be pursued and performed, and
 your majesty only troubled with the true care of
 a King, to think in chief what you would have
 done, not how.”

In a quarrel between the judges and the chan-
 cellor, the jurisdiction of whose court was already
 extended to the detriment of the law, the chan-
 cellor was prosecuted for having incurred a pre-
 munire * in entertaining a cause which had been
 adjudged in the court of Common-Pleas. The
 prosecution was supported by Coke and the
 judges †. James was glad of an opportunity
 to weaken the authority of the courts of common
 law. On the searching of precedents, there
 were found many examples of proceedings in
 Chancery after judgment in these courts: On
 this authority, James summoned the parties into
 the Star-chamber, where he harangued with his
 usual flights of the power of kings, and obe-
 dience of subjects. “Kings, he said, sat in
 the throne of God, and from thence all judg-
 ment is derived.” He compared the power of
 judgment in Christian kings to that of Moses, to
 whom all profound questions were left. He de-
 termined from thence that there is a conjunction
 between God and the king upward, and the king

Sanderfon,
 1636, p.
 439. & seq.

The King's
 speech in
 the Star-
 chamber.

* On the statute of Henry IV. that the judgment given
 in the King's court shall not be examined in Chancery, par-
 liament, or elsewhere, until it be undone by attainr or er-
 ror.

† Some time before this rupture, James, in a conversa-
 tion with the lord-chief-justice Coke and the lord-chancellor,
 had charged them to refer all disputes to his private decision.

Letters from and to Sir Dudley Carleton, 1758, p. 45.

Anno 1615. and the judges downward. "Encroach not upon the prerogative; deal not in difficult questions. That which concerns the mystery of the king's power is not lawful to be disputed, for that is to wade into the weakness of princes, and to take away the mystical reverence which belongs to those who sit on the throne of God. It was an odious and inept speech to say that a premunire lay against the court of Chancery; I mean not that the Chancery should exceed its limits, but the King only is to correct it, and none else." He commanded that no man hereafter should presume to shew a premunire against the court of Chancery. Then in the most hyperbolical strains he praised the Star-chamber, and afterwards addressed himself to the whole auditory, and advised them "Not to presume to meddle with things against the king's prerogative or honor; for if they did the judges will punish them; and in case the judges do not, he must punish both them and the judges. Plead not, continued he, upon puritanical strains, which make all things popular, but keep you within the ancient limits *."

Sir Edward Coke was the sufferer from this triumph of James, to whom he was personally

* Bacon's advice to the King, in the business of the premunire, is one of the innumerable instances which this contemptible time-server has given of the servility and corruptness of his heart. "This great and public affront, says he, not only to the reverend and well-deserving person of your chancellor (and at a time when he was thought to lie on dying, which was barbarous) but to your high court of Chancery, which was the court of your absolute power, may not (in my opinion) pass lightly, nor end only in some formal atonement; but use is to be made thereof for the settling your authority, and strengthening your prerogative, according to the true rules of monarchy." *Cabala*, p. 32.

odious. He was prosecuted with the utmost Anno 1615,
 rancor on the following heads: First, for hav-
 ing concealed a statute due to the crown of twelve
 thousand pounds from the lord-chancellor Hat-
 ton, whose widow he had married; secondly,
 for having expressed himself upon the bench as
 if the common law was in danger of being over-
 thrown, with the insinuations as if the King was
 its enemy; thirdly, for having behaved disre-
 spectfully to the King in the case of commen-
 dams, and injuriously to the lord-chancellor in
 the affair of the premunire. Though the lord-
 chief-justice could not be legally convicted on
 any of these articles, yet, by the sentence of the
 Star-chamber, he was brought upon his knees,
 deprived of his office *, and ordered to retire to
 a private life, there to review his law-works, to
 some passages of which James had objections.

Coke de-
 prived of his
 office.

Many circumstances in Coke's behavior had
 concurred to draw upon him this unjust treat-
 ment. He was not only obnoxious to James from
 the opposition he had raised to the usurpations
 of the crown; he had even ventured to offend
 the minion Villiers. Sir Nicholas Tufton had a
 patent-place in the green-wax office in the King's
 Bench, which the favorite wanted to fill with
 one of his creatures. He obtained the surren-
 der of the place from Sir Nicholas by the bribe
 of a peerage; but met with an obstacle in Coke,

* On Coke's being thus deprived of his office, Bacon,
 with whom he had been long at variance, wrote him an abu-
 sive railing epistle, with the following exordium: "That he
 supposed this to be the time of his affliction, and therefore
 he took the seasonable advantage to shew him his imperfec-
 tions." The beginning of this letter is written in a style of
 religious cant, which does as little credit to the genius of
 the author, as the malice in it does to the qualities of his
 heart. *Cabala*, p. 88, & seq.

Anno 1615. who refused to admit a clerk of Villiers' nomination.

The recent triumph of the prerogative over law delighted the courtiers with the prospect of an established tyranny : What could be more promising to the enemies of civil Liberty than the increasing jurisdiction of the Chancery, and the confirmed usurpation of the Star-chamber ?

Creation of
a prince of
Wales.

Baker's
Chronicle.

Cautionary
towns deli-
vered up.

An occasion for an extraordinary expence and pageantry offered this year, in the creation of a prince of Wales. A profusion of titles followed this ceremony. Villiers obtained that of viscount, and at the end of the year was made earl of Buckingham. The great bar to that excess of pomp and pleasure the court delighted to revel in, was the poverty of the Exchequer; a malady to which the unmeaning prodigality of James continually subjected it. Necessity reduced the ministry to part with those towns which had been pledged by the States to Elizabeth, for the prodigious sum of eight millions of florins. This was all due to the crown of England. They were restored this year for the sum of two millions seven hundred and twenty-eight thousand florins. These towns were considered as keys to the Low-Countries : the ministry of Elizabeth had taken advantage of the necessities of that brave people to make them dependant on the crown of England. The large sum which these extorted deposits were pledged for, was a payment of the whole assistance of men and money they had received from Elizabeth ; an assistance which the obligations of virtue demanded to be a free gift.

So considerable a recruit enabled James to perform what he had long intended, a visit to his native country ; nor was it deferred by any other

other motive but his inability, from the want of money, to shine with an ostentation worthy the dignity of the King of Britain. The Scots were obliged to incur the expence of this chargeable guest. What made the prospect of it very disagreeable to them, was a jealousy lest this visit was intended with a design to effect invasions on their ecclesiastical liberties. To quiet this jealousy, James wrote a letter to the council, in which he assured them, that his resolution to visit this kingdom did proceed of a longing he had to see the place of his breeding, a salmon-like instinct: And, because he knew that evil-disposed people would disperse rumors as if he came to make alterations in the civil and ecclesiastical state, he commanded proclamation to be made for certifying the subjects to the contrary. It was true that he desired to do some good at his coming, and to have abuses reformed both in the church and commonwealth; yet, foreseeing the impediments which his good intentions would meet with, and regarding the love of his people no less than their benefit, he would be loth to give them any discontent; and therefore willed all his good subjects to lay aside their jealousies, and accommodate themselves in the best sort they could for his reception, and the entertainment of the noblemen of England, who were to accompany him in this journey. Notwithstanding these assurances, the order for employing some English carpenters, to decorate the King's chapel at Edinburgh with the images of the apostles, encreased the jealousy of the nation to such a height, that James was entreated in an address by their clergy to countermand the order. James so far assented as to stay the erecting the images, but withal signified to them, in a letter full of expressions

Anno 1615.
Rapin.
Burnet.
Affairs of
Scotland.

Spotswood,
1677, P
529.

Anno 1615. of anger and contempt, that he did not do it for the ease of their hearts, or for confirming them in their errors, but because the decorations in that form could not be finished at the appointed time. Notwithstanding these heart-burnings, he was received with all the pomp the Scotch government, which had been some time saving for the occasion, could afford. He made use of his personal authority to get an act passed by the lords of the articles*, that whatsoever he should determine in the external government of the church, with the advice of the archbishops, bishops, and a competent number of the ministry, should have the strength of a law. This act, contrary to the nature and existence of Presbytery, was even remonstrated against by the Scotch prelacy, who knew the disposition of the people, and feared that the total loss of power would follow a premature exertion of it †. James

Spotswood,
p. 530.

* In a late publication of Letters, &c. by Dr. Birch, there is a letter to Bacon from a gentleman who attended the King in this journey to Scotland, which hath this remarkable description of the state of the government of that country at this time of James's visiting it.

“ The King did personally and infallibly sit amongst them of the parliament every day, so that there fell not a word among them but his majesty was of council with it.

“ The whole assembly, after the wonted manner, was abstracted into eight bishops, eight lords, eight gentlemen knights of the shire, and eight lay burgessees for towns; and this epitome of the whole parliament did meet every day in one room, to treat and debate of the great affairs of the kingdom. There was exception taken against some of the lower-house, which were returned by the country, being pointed at as men averse in their appetites and humors to the business of parliament; who were deposed of their attendance by the King's power, and others, better affected, by the King's election, placed in their room.”

† The bishops, writes Spotswood, interceding, did humbly entreat that the article might be better considered, for that in making of ecclesiastical laws the advice and consent

of

had carried his point so far as to gain, with much management, a parliamentary consent; but other difficulties were not to be surmounted. Anno 1615.

The ministers assembled and drew up a petition against this innovation, and put the King in mind of the letter in which he assured them, that his intended journey to Scotland was not to produce any alteration in the civil or ecclesiastical government of the kingdom. The protestation concludes thus: "These and many other reasons have moved us, in all reverence, by this our humble supplication, to entreat your highness and honorable estates, not to suffer the afore-named article, or any other prejudicial to our former liberties, to pass at this time, to the grief of this poor church; that the universal hope of thousands in this land, who rejoiced at your majesty's happy arrival, be not turned into mourning; wherein, as we are earnest supplicants to God to incline your majesty's heart this way, as the most expedient for the honor of God and weal of your subjects, so, if we shall be frustrated of this our reasonable desire, then do we in all humility (with that dutiful acknowledgment of our loyalty to your majesty as becometh) protest, for ourselves and all our brethren who shall adhere to this protestation, that as we are free of the same, so must we be forced rather to incur the censure of your majesty's law,

Spotswood,
p. 531, &
seq.

of presbyters was also required. The King replying, "That he was not against the taking of ministers their advice, and that a competent number of them should be called to assist the bishops; but to have matters ruled as they have been in your general assemblies, I will never agree: for the bishops must rule the ministers, and the King rule both, in matters indifferent, and not repugnant to the word of God." So the article passed in this form, That whatsoever, &c. *Spotswood*, p. 531.

Anno 1615. than to admit or obtemper any imposition which shall not flow from the church orderly convened, others having power from the same." This petition and protestation was subscribed but by one minister, in the name of the brethren and supplicants; but, in a separate paper, each minister who was present at this assembly signed his name, as a testimony of his concurrence. One Hewit, who, from his preferment, had a seat in the parliament-house, was the person pitched on to present the petition to the King. The archbishop of St. Andrew's, a zealous prelate, having heard of what was going forward, attempted in the King's anti-chamber to snatch the paper out of Hewit's hands. James was made acquainted with this transaction, came into the anti-chamber, and enquired into the particulars of the bustle: The archbishop answered, "That a number of ministers, having framed a protestation against the article of his majesty's prerogative, had given it to the man whom he had made abbot, to present; and that he had undertaken to do the same, for which he was taking him to task, it being an undutiful part, without signifying the matter to his ordinary, to take such a business in hand." On this representation, the poor priest, frightened with the terrible looks of the King and the archbishop, fell upon his knees, and with a visible confusion said, "That he supposed the protestation would not have offended his majesty, and that he had promised to present the same in parliament; but now that it appeared to him otherwise, he would no more meddle therewith." The King, seeing by the two papers that a number had avowed this petition, suspected that the innovating article would be protested against in full parliament, and commanded

manded the register to erase it as a thing unnecessary. Anno 1616.
 fary, it giving no addition to his prerogative.

He afterwards called together an assembly of the clergy, on whom he wanted to impose these four articles: That the eucharist should be received kneeling; that a private administration of it should not be denied to sick persons; that Christmas, Easter, Ascension-Day, and Whitsunday, should be kept as holidays; and that confirmation should be solemnized by the bishop's blessing.

James to this assembly put on a very magisterial air, and asked them, why they had disputed admitting that power which had been acknowledged by the lords of the articles? "It is a power innate, said he, and a special prerogative, which we, who are Christian kings, have, to order and dispose of external things in the policy of the church; and, Sirs, for your approving or disapproving, I will never regard it, unless you bring me a reason which I cannot answer."

The ministers very prudently waved this difficult task, and submitted the King's demands to the opinion of the general assembly; and James found that they all must be subject to an after-judgment. Symson, the minister who drew up and signed the protestation against the article which had met with the assent of the Lords, was committed to prison; and Catherwood, who carried circular letters to the ministers to encourage them to adhere to it, was banished. The four articles of innovation which James would have imposed upon the clergy were rejected in the general assembly, which met immediately on his departure, but were adopted the year after *.

Four articles
 imposed on
 the Scotch
 church.

* Before this assembly met, the bishops, who had acted more cautiously in these affairs than was suitable to the King's

Anno 1616.

James returned from Scotland very much dissatisfied with the little compliance he had re-

King's inclination, received the following letter from him :

“ We were once fully resolved never in our time to have called any more assemblies here for ordering things concerning the policy of the church, by reason of the disgrace offered unto us in that late meeting of St. Andrew's, wherein our just and godly desires were not only neglected, but some of the articles concluded in that scornful manner as we wish they had been refused with the rest : yet at this time we have suffered ourselves to be entreated by you our bishops for a new convocation, and have called you together, who are now convened for the self-same business which was then urged, hoping assuredly that you will have some better regard to our desires, and not permit the unruly and ignorant multitude, after their wonted custom, to oversway the better and more judicious sort in evil, which we have gone about with much pains to have had amended in these assemblies, and for that purpose, according to God's ordinance, and the constant practice of all well-governed churches, we have placed you, who are bishops and overseers of the rest, in the chiefest rooms. You plead much, we perceive, to have things done by consent of ministers, and tell us often that what concerneth the church in general should be concluded by the advice of the whole ; neither do we altogether dislike your opinion, for the greater is your consent the better are we contented. But we will not have you to think that matters proposed by us, of the nature whereof these articles are, may not, without such a general consent, be enjoined by our authority.

“ This were a mis-knowing of your places, and withal a disclaiming of that innate power which we have by our calling from God, whereby we have place to dispose of things external in the Church, as we shall think them to be convenient and profitable for advancing true religion among our subjects ; wherefore let it be your care, by all manner of wise and discreet persuasions, to induce them to an obedient yielding to these things, as in duty both to God and us they are bound, and do not think we will be satisfied with delays, mitigations, and other we know not what shifts have been proposed, for we will not be content with any thing but a simple and direct acceptation of these articles, in the form sent by us unto you a long time past, considering both the lawfulness and undeniable convenience of them, for the better

ceived from his Scotch subjects, whom he imagined he had entirely gained by the profusion of Anno 1616

better furtherance of piety and religion, the establishing whereof it had rather have become you to beg of us, than that we should have needed thus to urge the practice of them upon you.

“ These matters indeed concern you of the ecclesiastical charge chiefly; neither would we have called noblemen, barons, and others of our good subjects, to the determination of them, but that we understand the offence of people have been so much objected, wherein you must bear with us to say, that no kingdom doth breed, or hath at this time more loving, dutiful, and obedient subjects, than we have in that our native kingdom of Scotland; and so, if any disposition hath appeared to the contrary in any of them, we hold the same to have proceeded from among you, albeit of all sorts of men ye are they who both of duty were bound, and by particular benefits obliged to have continued yourselves, and confirmed others, by sound doctrines and exemplary life, in a reverend obedience to our commandments. What and how many abuses were offered us by divers of the ministry there, before our happy coming to the crown of England, we can hardly forget, and yet like not much to remember; neither think we that any prince living should have kept himself from falling in utter dislike with the profession itself, considering the many provocations which were given unto us; but the love of God and his truth still upheld us, and will, by his grace, so do unto the end of our life. Our patience always in forgetting and forgiving of many faults of that sort, and constant maintaining of true religion against the adversaries (by whose hateful practices we live in greater peril than you all, or any of you), should have produced better effects among you than continual resistance of our best purposes. We wish that we be no more provoked, nor the truth of God, which you teach and profess, any longer slandered by such as, under the cloak of seeming holiness, walk disorderly amongst you, shaking hands, as it were, and joining in this their disobedience to magistracy, with the upholders of Popery. In sum, our hearty desire is, that at this time you make the world see, by your proceedings, what a dutiful respect you bear to us your sovereign prince, and natural king and lord; that as we in love and care are never wanting to you, so ye, in an humble submission to our so just demands, be not found inferior to others our subjects, in any of our kingdoms; and that the care and zeal of the
good

Anno 1616. favors he had bestowed on many of their nobility, and on his domestic servants of that nation. Though the Scots, from the powerful influence of educational prejudices, were apt to entertain attachments contrary to reason and the good of society; yet a spirit of religious faction, impolitically attacked by James, gave rise to jealousies which baffled the power of these hereditary prepossessions.

Ireland.

The earl of Tyrone, the chief of the Popish party in Ireland, and a leader in all their rebellions, was protected and supported by the king of Spain. He had been pardoned by Elizabeth, and well received by James *. In the year 1613,

good of God's church, and of the advancing of piety and truth, doth chiefly incite us to the following of these matters, God is our witness; the which, that it may be before our eyes, and that, according to your callings, you may strive, in your particular places, and in this general meeting, to do those things which may best serve to the promoting of the Gospel of Christ; even our prayers are earnest to God for you, requiring you, in this and other things, to credit the bearer hereof, our servant and chaplain, the dean of Winchester, whom we have expressly sent thither, that he may bring unto us a certain relation of the particular carriages of all matters, and of the happy event of your meeting, which, by God's blessing (who is the God of order, peace, and truth) we do assuredly expect; unto whose gracious direction we commend you now and for ever.

" Given at Theobalds, the 10th of July, 1616." *Spotswood*, p. 537, & seq.

* He was brought over into England by the lord Mountjoy in the first year of James's reign. Rory O-Donell, his companion, was created earl of Tyrconnel, and himself treated with such favor that a proclamation was issued, commanding all persons to speak respectfully of him, and carry themselves civilly towards him. These indulgencies did not prevent Tyrone and Tyrconnel from entering into new intrigues with the courts of Spain, Brussels, and Rome, which produced a conspiracy in Ulster for murdering the lord-lieutenant and the council, and extirpating the English from Ulster. This conspiracy was timely discovered, Ty-
rone

some fresh discontents which prevailed among the Papists in Ireland gave such hopes to the ambitious chief, that he undertook, with the assistance of his countrymen in the Spanish service, to raise another rebellion. The marquis Spino-la, esteemed one of the best officers of the age, undertook to head the expedition. The design was discovered, and Tyrone's correspondents taken and executed. Anno 1616

James was at this time thoroughly convinced, from the whole conduct of Spain, that there was no hopes of attaining a family-alliance with that inveterate state. The house of Bourbon was next in greatness to the house of Austria; and the English monarch disdained to match his son with any family of less potency.

The lord Hays, under the guise of congratulating the French court on the king's marriage, was this year sent into France with such a pro-

Lord Hay's
embassy to
the French
court.
Wilson, p.

rone and Tyrconnel fled, were well received at the court of Brussels, obtained money from the court of Spain, and retired afterwards to Rome, where they were supported by the pope with large pensions. 92.

On the occasion of their flight, James published a proclamation with the following remarkable declarations: "That they had not their creations or possessions by any lineal or lawful descent from ancestors of blood or virtue, but were, for reasons of state, preferred before others of better quality and birth in their country; that they had not been molested on account of religion, nor was there any purpose of proceeding against them on that head, their condition being to think murder no fault, marriage of no use, nor any man valiant who does not glory in rapine and oppression; and therefore it would be an unreasonable thing to trouble them for religion before it could be perceived, by their conversation, that they had any; that in all matters of controversy they had been favored beyond their competitors, except in those cases wherein was plainly discerned that their only end was to have made themselves by degrees more able to resist lawful authority, when they should return to their vomit again,

Anno 1616. posal; and James, who by his own affections estimated the importance of show, decked his ambassador with a magnificence surpassing every other species of extravagance which had yet appeared*.

This embassy gave an alarm to the Spanish court. They reiterated all their insinuations to draw James again to their lure: Sir John Digby, his ambassador at Madrid, was flattered with assurances that his Catholic majesty would remove all impediments to the desired match between the infanta and the prince of Wales; and that even in the point of religion a moderation should be so strictly adhered to, that no terms should be demanded, inconsistent with the reputation of James to grant. Stale as was this bait, it did not fail of an effect; James, instead of seizing the opportunity of revenging the insults he had received from that court by a contemptuous refusal, countermanded the orders he had given Hays to press the match with France.

Anno 1617. The States supported the elector of Brandenburg, one the princes claimant, in the possession of the towns he held in the duchy of Cleves

gain, by usurping a power over other good subjects." *Rymer*, vol. XVI. p. 664.

* The following is a description of the parade in which the ambassador rode to receive his first audience at the French court:

Six trumpeters and two marshals (in tawney velvet liveries, completely suited, laced all over with gold, richly and closely laid) led the way; the ambassador followed, with a great train of pages and footmen in the same rich livery. The ambassador's horse was shod with silver shoes slightly tacked on; the prancing and curveting of the horse dispersed them among the mob; on these occasions a farrier of the train, richly dressed, tacked on others in the same slight manner; these he took out of a large velvet bag, loaded for the occasion. *Wilson*, p. 93, & seq.

and

and Juliers, against the house of Newburgh and the elector of Saxony, two other claimants. The house of Newburgh was assisted by the power of Spain *, the elector of Saxony by the emperor. James had some pretence to interfere in this business, by the assistance he had given towards wresting this territory out of the hands of the house of Austria. The States had agreed to give up the towns which their troops held in the name of the elector of Brandenburg; but, when pressed to a performance, they refused, on pretence of the rumor of a family-alliance between the crowns of Spain and England: An aviso from Spain had given the States intelligence that the match had been there debated in the Inquisition, and judged proper, in regard it would avail for the introduction of Popery into England. The States alledged, that the rights of the competitors not being yet settled, it would be unjust to deliver them into the hands of any one claimant; dangerous to put them into the hands of the king of Spain, or the emperor; and that James, by the intended alliance, was also become a party suspected.

A kind of distraction prevailed in the civil government of France. All the princes of the blood were united in a strong party against the power of the queen-mother, who was unsupported by any other partizans than two worthless Italians, the marquis d'Ancre and his wife. These had so great an influence over her weak mind, that, according the absurd superstition of that

Affairs of
France.

* The duke of Newburgh had abjured Lutheranism, and embraced the Roman Catholic faith, to make use of the protection of the Emperor, and the assistance of the court of Spain.

time,

Anno 1617. time, it was looked on to be the effect of enchantment; and the marchioness was afterwards tried and burned for witchcraft. James was extremely jealous of the connection between the crowns of France and Spain, and for this reason abetted the malcontents. On the queen-mother's putting the prince of Conde under arrest, Hays demanded the reason of the imprisonment, a pacification having been brought about by the mediation of his master; on receiving no satisfactory answer he returned to England.

Sunday was kept by all the sectaries with a veneration which admitted of no kind of public amusement. James, to shew a thorough contempt for such opinions, licensed the use of all sports on that day. A liberty like this was quite contrary to the custom of that time, and as disagreeable to many of the moderate church-party as to the sectaries; the archbishop of Canterbury opposed it so strongly as to forbid the King's order for that purpose to be read in the church at Croydon. James winked at this affront, but revenged it on the ministers in lower offices, who were severely treated by the High-commission court for the like refusal.

Affairs of
Holland.

About this time the discord between the republican party in Holland, and that of the prince of Orange, ran very high. Barneveldt, the pensionary, was at the head of the former, and was supported by most of the men of property; the prince of Orange by the lower sort. He did not find it difficult to persuade a contemptible canaille that Barneveldt had entered into measures to betray the country to Spain; then, taking advantage of a jealousy inspired by his suggestions, having the command of the army, he marched into Utrecht, seized Barneveldt and Grotius, and sent

sent them to prison ; turned all the magistrates who were of the contrary faction out of their offices, filled up their places with the chiefs of his own party ; and having thus secured votes, by the authority of the States General he erected an illegal court *, which condemned Grotius to perpetual imprisonment, and executed Barnevelt †.

* This court had no legal jurisdiction over the United States ; every province being a sovereignty within itself.

† This great man, at his condemnation and execution, behaved with an undaunted spirit. On hearing his sentence pronounced, which was loss of life and confiscation of goods, he made the following remark : “ I have served the Generality thirty-three years as advocate of Holland, and the town of Rotterdam ten years before, as pensionary : and for my fidelity and diligence deserved better recompence. If you will have my blood, yet methinks you may spare my goods, without ruining, for my sake, my wife and children.” At this time, and at the moment of his execution, he displayed the same high mind which had ever marked his character : he prepared himself for the block in a manner, and with a precipitation which shewed an indignant haste to lose with life the memory of his ungrateful country. The following is a character of him drawn by a creature and servant of king James, Sir Ralph Winwood, who had transacted the English affairs in Holland several years : “ I know Barnevelt well (writes he), and know that he hath great powers and abilities ; and malice itself must confess, that never man hath done more faithful and powerful service to his country than he.”

Moreri gives the following account and character of this patriot : “ Barneveldt, se rendit celebre par son habilité dans les negociations & par les grands services qu’il rendit a sa republique, a l’établissement de la quelle il avoit beaucoup contribué. Henry IV. roi de France, Elisabeth reine d’Angleterre, & presque toutes les autres puissances de l’Europe, faisoient un extrême cas de ce grand homme, qui avoit passé par les ambassades les plus celebres, & par les charges les plus importantes. Ayant été envoyé en qualité d’ambassadeur aupres de Henry IV. il detourna ce prince de faire la paix avec les Espagnols en 1598. On lui donne la gloire d’avoir degagé les places de la Brille, de Flessingue & de Rammekens des mains des Anglois, ce qui fut un coup tres avantageux pour éviter les effets de la haine & de la jalouse

Anno. 1617. Thus early did an indiscreet confidence threaten the freedom of this infant state; and thus early were its patriots sacrificed to the ambitious views of the Orange family.

Synod of
Dort.

These acts of violence extorted a consent for the meeting of a general synod to settle the former religious disputes. All the reformed churches sent their deputies to this assembly. James, who had acted as a party in the whole affair, sent his

lousie de ses ennemis, & surtout du prince d'Orange & de ses partisans. Il quitta sa charge en 1608 mais ayant été rappelé par tous les Etats d'Hollande, il tranquillisa les affaires, adoucit les esprits, & les ramena tous a un meme sentiment. En 1609 il avoit fortement conseillé la trêve qui se conclut pour douze ans, entre l'archiduc & les Etats; & depuis il empecha par ses soins que ces derniers ne prissent part dans les troubles de Bohême. Maurice, prince d'Orange, qui souhaitoit que les Provinces Unies continuassent la guerre par ce quelle servoit a sa fortune, en conçut du chagrin contre Barneveldt, & le fit eclater au sujet d'Arminius & de Gomar ministres protestans, qui avoient des sentimens differens sur la predestination. Arminius se mit a la tête de ceux qu'on nomma Remonstrans, & Gomar fut le chef des Contre-remonstrans. Ces deux partis troublèrent la tranquillité des Provinces Unies. Barneveldt se declara pour les premiers, qui ne demandoient que d'être tollerés, & le prince d'Orange fut pour les autres, qui ne les vouloient pas souffrir. Le prince se trouvant le plus fort fit tenir en 1618 & 1619 le synode de Dordrecht, ou les Arminiens furent condamnez. Barneveldt ayant été pris eut la tête tranchée a l'age de 72 ans, sous pretexte d'avoir voulu livrer le pays aux Espagnols, quoi qu'il le niât constamment, & qu'en effet on n'en eut trouvé aucune preuve dans ses papiers. Son crime étoit d'avoir refusé d'entrer dans le complot, a la faveur du quel le prince Maurice vouloit a ce qu'on dit se rendre maitre des Pays Bas, & d'avoir defendu la liberté de sa patrie avec trop de zele. Il fut executé le 13 jour de May, 1619."

Thaunus gives the following testimony of him: "Que c'étoit un homme tres accredité par les charges qu'il avoit remplies, & par sa grande experience dans les affaires." *Letters from and to Sir Dudley Carleton*, p. 193. *Moreri*, vol. II. p. 78. *Thuanus*, edit. de la Haye, 1740, p. 214.

also *. The upshot of the business was a condemnation of the Arminian tenets; Vorstius was

* The following is a letter from Sir Dudley Carleton, resident at the Hague, to secretary Naunton.

“ Right Honorable,

“ Your honor’s letters of the last of August came to my hands by this bearer, William Diefton, the fourth of this present, very opportunely to satisfy the prince of Orange, and such of the States as rested with great and earnest desire to know how his majesty understood the apprehension of Barnevelt, with the rest of their proceedings; wherein though they wanted before no comfort and encouragement I could give them in private, yet I thought it not fit, in presence of their public deputies, to prejudice what should come from his majesty.

“ To the same deputies (who, upon my desire to speak with them, came unto me by order of the States) I delivered the same day of the receipt of your honor’s letters, what I had in commandment from his majesty in approbation of their doings; and did let fall unto them, by way of discourse, upon what point in particular his majesty, having yet seen no more than their short declaration which was published in print, did ground his judgment; in that it was apparent to his majesty, by that which was presented to his own view in the demand of assistance to the national synod, the States requiring one thing and Barnevelt another, quite opposite to their desire, that he ran a course by himself, contrary to the public service; whereupon they, confessing to have the like advertisements from Paris and Heydelburgh, laid hold immediately, as a fit crime to charge him with, amongst others of like nature.

“ I took the liberty hereupon to tell them, that though Barnevelt had continued in his wonted state and authority, yet I had charge from his majesty to have let him know how strange his majesty found this manner of proceeding in a man of his place; that thereby it might appear unto them his majesty did not sway with the time, but that he saw and condemned his fault, even in the height of his fortune.

“ To the prince of Orange I used the same day the like discourse; and added farther these encouragements, which he might well take out of the constancy of his majesty’s favor, and the present condition of affairs; in both which he rests so well satisfied, that by the help of the one he hopes, in short time, to give perfection to the other.” *Letters from and to Sir Dudley Carleton*, p. 290.

Anno 1617. deprived of the professor's chair, and sentenced to perpetual banishment *. George Carleton,

* This sentence was passed upon him without his having been permitted to speak for himself. Sir Dudley Carleton writes thus of this transaction: "I find there is a resolution taken by the States not to cite Vorstius to the synod, because they much apprehend his entertaining that assembly with artificial interpretations and delays, and in the end deluding them with a counterfeit submission. But order is taken for the censuring his books in the synod, with intention afterwards (as they pretend) to proceed with his person by way of exile; for which I cannot undertake any thing, though it wants not my best endeavors, since Mathanesse (who was one of his protectors) had the boldness to say, when this matter was last in question with the States of Holland, that it was tyranny so to proceed with him."

The English deputies at the synod of Dort were zealous promoters of the proscription of Vorstius: The president of the synod having asked them, "Whether they approved that Vorstius should be cited to appear in the assembly? and what the King of England's pleasure was in that point?" they answered, "That they must consult his ambassador, and that they thought it would look very ill to condemn a man without hearing him." They added, "That to avoid delays, Vorstius ought not to be permitted to defend himself, or explain his blasphemous propositions; and that he ought not to be answered any otherwise than by Yes or No, nor asked any question but whether he was ready to abjure?" Afterwards, when the opinions were asked concerning the sentence to be passed upon Vorstius, they declared him unworthy of the name and office of an orthodox professor, desired that his book *De Deo* should be burnt, and read the decree which condemned that work to the flames in England.

Moreri writes thus on this condemnation: "Au reste les Remontrants se pleignirent hautement du synode, & publierent qu'on avoit procedé contr'eux d'une maniere contraire a l'equité; que l'on n'avoit admis au synode qu'un petit nombre des leurs; qu'on avoit refusé les plus eclairez de leur parti; qu'on ne les avoit jamais ouï en corps, mais un a un comme des criminels, dont la sentence estoit deja portée; qu'étant venus a Dordrecht sous le fauf-conduit qu'on leur avoit donnée, ils avoient été mis aux arrêts pendant 7 mois entiers, contre toute parole donnée, de sorte que le fils ne pouvoit pas voir le pere, ou la sœur s'entretenir avec son frere; que le president Bogerman leur ennemi, déclaré avoit
disposé

bishop of Landaff protested against the article in the Belgic creed which affirmed an equality in all the ministers of God: but, however, James's influence, from the busy part he had acted in the dispute, was so great that his deputies, who were all of them dignitaries, were complimented with a present of two hundred pounds a-piece, a golden medal, and an acknowledgment of the excellency of the constitution of the church of England, with a regret that the conveniency of their own state did not admit of the same system of subordination *.

An event now offers, which, with all its variety of circumstances, exposes to the reader a subject for contempt, aversion, pity, and applause. The universal genius of the admired Sir Walter Raleigh had found, from his misfortunes, an opportunity to enlarge itself in the complete review of past and distant time: under the oppressive circumstance of a prison, he had undertaken and executed the laborious plan of an universal history. But, great as were his abilities, great as were their improvements, he had not yet attained to that exquisite judgment which distinguishes what is truly desirable from what is vul-

disposé les choses uniquement pour les opprimer; que les secretaires du synode avoient été choisis parmi les adversaires des Remontrans; que Heinsius les haïssoit. Mais ils se recrierent sur tout, sur ce que la sentence portée contr'eux les condamnoit a être privez de toutes les fonctions ecclesiastiques & academiques; & que quelques uns d'eux avoient meme été exiliez."

A letter from Mr John Hales to Sir Dudley Carleton shews that these complaints of the Remonstrants were justly founded. *Carleton's Letters*, p. 321, 358. *Bayle's Dict.* 1738, vol. V. p. 514. *Moreri*, xviii. ed. *Amst.* vol. III. p. 129, dans l'article Dordrecht (Synododæ).

* This compliment was extraordinary, as it was opposite to the late confirmed article of their belief.

Anno 1618. gaily esteemed so; unsatisfied with ease, unsatisfied with fame, he still affected courts and their disgraceful dependencies. Though used with a barbarous indignity by his sovereign, he seized on every opportunity to offer his services. Much useful and ingenious advice he had given on many occasions, particularly in regard to forming the mind of prince Henry; a sickness of the queen procured him the means of ingratiating himself, by undertaking the restoration of her health, from the power of medicines of his own composing, the result of an unlimited knowledge. These little arts, and the general applause of the nation, forced from James a farther mitigation of his unjust treatment: The enjoyment of his lands was restored to him, and some indulgencies as to liberty. The considerable estate of Sherburn had been secured to his family by a former conveyance which Raleigh had made to his son: the omission of a word in the deed of conveyance made a flaw in young Raleigh's title; this flaw reverted the forfeited lands to the crown; the rapacious Somerset was informed of it, and begged it for himself. Raleigh's wife petitioned James on the occasion: the answer which he returned was, "I mun ha the lands, I mun ha the lands for Car *."

The Life of
Sir W. Raleigh
by Dr. Birch, 1751,
p. 65.

Mallet.

* On this occasion Somerset was addressed in the following pathetic strain by Sir Walter Raleigh.

"And for you, Sir, seeing your fair day is but in the dawn, mine drawn to the setting, your own virtues and the King's grace assuring of many fortunes, and much honor; I beseech you begin not your first building upon the ruins of the innocent, and let not mine and their sorrows attend your first plantation. I have ever been bound to your nation, as well for many other graces as for the true report of my trial to the King's majesty; against whom had I been malignant, the hearing of my cause would not have changed enemies into friends, malice into compassion, and the minds of the greatest

The late coolness between the courts of England and Spain had produced an opportunity for Raleigh, who now enjoyed full liberty, to offer a project which promised a recruit to his broken fortunes, and flattered the insatiable avarice of the King. He had formerly made a voyage to Guiana, and, from his experience of the country, had entertained a belief that its bowels contained inexhaustible riches. He had actually marked particular parts of the territory, in which he fancied were mines of gold. The plan of an expedition which promised mountains of wealth was received with eagerness by James; though at the same time he assured Sarmiento, the Spanish ambassador, that Raleigh should be bound up by his commission from all hostilities towards the subjects of Spain, and that if any were committed he should be delivered up to the resentment of his Catholic majesty. The commission was made out on the twenty-sixth of August: It

Anno 1618.
Raleigh's
expedition.

greatest number then present into the commiseration of mine estate. It is not the nature of foul treason to beget such fair passions; neither could it agree with the duty and love of faithful subjects (especially of your nation) to bewail his overthrow who had conspired against their most natural and liberal lord. I therefore trust, that you will not be the first who shall kill us outright, cut down the tree with the fruit, and undergo the curse of them who enter the fields of the fatherless; which, if it please you to know the truth, is far less in value than in fame: But that so worthy a gentleman as yourself will rather bind us to you (being six gentlemen, not base in birth and alliance) who have interest therein; and myself, with my uttermost thankfulness, will remain ready to obey your commandments."

James had been at length prevailed on to give Sir Walter Raleigh's wife and son eight thousand pounds for this estate of Sherburn. This eight thousand pounds he calls in his declaration a competent satisfaction for all Sir Walter Raleigh's estates. *Cabala*, p. 356. *Raleigh's Life by Dr. Birch*, p. 64.

Anno 1618. contained no caution against attacking the Spaniards, and it would have been absurd to suppose the design could be accomplished without meeting with an opposition which would necessitate the infringement of such a restraint.

Raleigh's
Life by Dr.
Birch.

Raleigh set sail on the fourteenth of August, 1618. His fleet consisted of fourteen ships, all fitted out by private persons*. After a tedious voyage the adventurers reached the coast of Guiana; they had experienced the distresses of storms, sickness, and want of water. New obstacles now opposed the acquisition of the golden fleece: The river Oroonoko was found too shallow for the large ships to sail up; a division of the force was unavoidable; the smaller vessels, with a detachment of three hundred men, were sent in quest of the mine, whilst the chief commander, Raleigh, staid behind with the larger ones, to receive, in case of an attack, the Spanish galleons, which were daily expected. The detachment was commanded by his son, and the pilotage was entrusted to his old friend Keymis, who had some knowledge of the coast. On their landing at the appointed place, they were briskly attacked by the soldiers of a garrisoned town newly built by the Spaniards; they repulsed the enemy, took, plundered, and burnt their town; but not without the loss of many of their men, and their captain the young Raleigh. Among the plunder were found papers which contained the whole of Raleigh's scheme: they had been sent to Spain by Sarmiento, to whom James had had the weakness to communicate it. The know-

* In this venture Raleigh hazarded the wrecks of his broken fortune, besides an estate which his wife had complaisantly given up to him for this purpose. *Raleigh's Life by Dr. Birch*, p. 72.

ledge of this particular so enraged the soldiers, Anno 1618. that, refusing to be conducted farther by Keymis, they returned to the place where their commander lay, without having attempted any mine. Raleigh, before the arrival of his forces, had heard the news of his accumulated misfortunes; misfortunes no less severe than the death of his son, the blast of his hopes, and the danger of his life from the violence committed on the Spanish town. In vain did Keymis attempt an excuse for the fatal misadventure: Raleigh's chagrin was too great to allow any: Keymis, in despair, put an end to his life; and this increased the perplexity of the unhappy adventurer, who lost in Keymis an evidence to justify the integrity of his conduct. A mutiny amongst the crew succeeded these disorders: Some were for returning to England, some against it. The unfortunate Raleigh was of the former opinion; and combating the other, prevailed so far as to bring his remaining Raleigh's return. force home. James was soon made acquainted with all the circumstances of the miscarriage; and the artful Sarmiento did not fail to work upon his disappointment by representing, in lively colors, a war between the two nations, and an eternal breach of the marriage-contract. Inflamed and frightened by these insinuations, James issued out a proclamation declaring an abhorrence of what had been transacted, and condemned the cause unheard. Notwithstanding the proclamation, Raleigh landed at Plymouth; and, after having surrendered himself, wrote a pathetic letter to James, in which he stated the case in a clear and just light *. But James was not to be

* The following is Raleigh's letter to James on this occasion,

“ May

Ann. 1618. moved by considerations of justice or compassion; the fear of a rupture with Spain was his

“ May it please your most excellent majesty ;

“ If in my journey outward-bound I had my men murdered at the island, and yet spared to take revenge ; if I did discharge some Spanish barks taken, without spoil ; if I did forbear all parts of the Spanish Indies, wherein I might have taken twenty of their towns on their sea-coasts and did only follow the enterprize I undertook for Guiana, where, without any directions from me, a Spanish village was burnt, which was new set up within three miles of the mine ; by your majesty’s favor, I find no reason why the Spanish ambassador should complain of me.

“ If it were lawful for the Spaniards to murder twenty-six Englishmen, tying them back to back, and then cutting their throats, when they had treated with them a whole month, and come to them on the land without so much as one sword ; and it may not be lawful for your majesties subjects, being charged first by them, to repel force by force ; we may justly say, O miserable English !

“ If Parker and Meham took Campechie and other places in Honduras, seated in the heart of the Spanish Indies, burnt towns, and killed the Spaniards, and had nothing said to them at their return ; and myself, who forbore to look into the Indies, because I would not offend, must be accused ; I may as justly say, O miserable Raleigh !

“ If I have spent my poor estate, lost my son, suffered by sickness, and other ways a world of hardships ; if I have resisted with manifold hazard of my life, the robberies and spoils with which my companions would have made me rich ; if, when I was poor, I could have made myself rich ; if, when I had gotten my liberty (which all men and nature itself do much prize) I voluntarily lost it ; if, when I was sure of my life, I rendered it again ; if I might elsewhere have sold my ship and goods, and put five or six thousand pounds in my purse, and yet brought her into England ; I beseech your majesty to believe, that all this I have done, because it should not be said that your majesty had given liberty and trust to a man whose end was but the recovery of his liberty, and who had betrayed your majesty’s trust.

“ My mutineers told me, that if I returned for England I should be undone ; but I believed in your majesty’s goodness more than in all their arguments. Sure I am the first, that being free and able to enrich myself, yet hath embraced poverty and peril ; and as sure I am that my example shall make

only actuating principle; and that power thought it of the utmost consequence to get so material a point adjudged in its favor. Anno 1613.

The death of Raleigh was to be the cement of friendship between the two courts: how to compass it with the appearance of legality was the only remaining question. It is thought that Sarmiento was the person who instigated the cutting him off upon his former sentence, although the kind of understanding which James possessed might have furnished him with such an invention. Raleigh had actually, before he set out on his expedition, an offer of the procurement of a pardon for the sum of fifteen hundred pounds; but Bacon * had dissuaded him from this salutary measure, by repeated assurances that the power given him by his commission would be construed, in the eye of the law, a sufficient one. His present situation grew so interesting and menacing, that he at length gave way to the repeated instances of his friends, and attempted his escape: but his heart failing him, even after he had got into the boat which was to convey him to a bark secured for the purpose, he re-surrendered himself. Then, after a conviction that his fate was already determined, in a fit of despair he applied to one Manourie, a quack, to assist

make me the last. But your majesty's wisdom and goodness I have made my judges; who have ever been, and shall ever be,

Your majesty's most humble vassal,

Walter Raleigh."

* Bacon, in a letter to James, urges the taking him off upon his sentence for treason, as the only judicial way of proceeding against him. *Original Letters, &c. by Dr. Birch*, p. 182, 183.

him

Anno 1618. him in a second attempt: In order to effect it, Manourie gave him drugs which flung out upon the whole surface of his body innumerable blotches and boils; and Raleigh, to forward the success of the plan, condescended to many unmanly meannesses. They so far prevailed, that, on account of his apparent ill state of health, he was suffered to repair to his own house; but Manourie betrayed the secret to Stuekly, his inveterate keeper, who, though a near relation, had been sent down to Plymouth by the court for the double purpose of inveigling him to land, and to guard him afterwards. Stuekly, in consequence of private orders, seemed to encourage the design, and received a considerable sum from Raleigh to forward it. The French ambassador also offered him the protection of his master, and a vessel to carry him to France; these transactions were suffered by Stuekly, and betrayed: the treacherous dissimulation was carried so far, that he accompanied Raleigh into a boat, which was immediately beset by the officers of the court. Stuekly * had the hardened assurance to own the deceit, and carried his kinsman a prisoner to the Tower. The business of the council was to render Raleigh's transactions odious to the people; they particularly enlarged on the intention of making an escape to France. The declaration James published on this head begins thus: "That kings are not bound to give account of

* This infamous wretch was taken in the fact of clipping the very coin he had received as a reward for his perfidiousness. He was condemned to be hanged for the offence, and was driven to the strait of selling to his shirt to purchase a pardon. He withdrew himself from the odium of mankind to the island of Lundy in the Severn, where he died mad, in less than two years after Sir Walter Raleigh's execution. *Sir Walter Raleigh's Life by Dr. Birch, p. 87.*

their actions to any but God; however, he declares, that he is willing to represent his proceedings in this case to the world. It then urges several charges against Sir Walter Raleigh; among others, that the mine of Guiana was a mere fiction; that Raleigh's original and only design was to plunder the Spanish settlements, and to surprise their fleets; that he had formed a cruel purpose to leave the land-soldiers on shore at Guiana; that, after the defeat of his designs, he had no intention to return home, but to go to the East-Indies, or to settle at Newfoundland; that, after his arrival in England, he contrived several stratagems to escape. The King affirms in this declaration, that he, in his own princely judgment, gave no belief to Sir Walter's assertions, that he had seen and tried the gold ore of the mine of Guiana, as being persuaded that in nature there were no such mines of gold entire, or that the Spaniards, so industrious in the chase of treasure, would not have neglected it so long*." Raleigh composed an unanswerable apology for his conduct, but was reduced to beg, though in vain, the intercession of the favorite. On the eighteenth of October, and in the sixty-sixth year of his age, he was taken out of his bed, though in a fit of an ague, and brought to the King's Bench. He attempted to make a defence, by explaining the justness of his conduct in the expedition; but was interrupted by the court,

* This is an extraordinary acknowledgment of James: the allowing a subject to go out on a design which he strongly suspected to be an illegal one, and when the penalty of the crime was to be loss of life. But though James affirms that he gave no credit to the reality of the mines, yet, in his commission, he takes care to secure to himself a full fifth of all the gold which should be found in them.

who

Anno 1618. who told him, that the matter of the voyage had nothing to do in the present case, and that treason could not be pardoned by implication. After sentence was pronounced, he addressed the court in very pathetic terms for a respite of execution for a few days, that he might settle his private affairs, and vindicate his reputation. An order was produced, ready signed by James, though at that time in Hertfordshire, for his execution the next morning. Barbarous as was this haste, it had no effect on the present composed mind of Raleigh. His manly philosophical deportment, during the interval of his sentence and execution, was admirable; nor less so was his behavior on the scaffold: He denied, with an awful appeal to God, the heavy charges * which had been

His fatal
end.

* That Raleigh was innocent of many of the invidious calumnies with which he is loaded by the King's declaration, is, I think, a matter of small doubt. First, there are the protestations of a dying man, strengthened by asseverations not likely to be used for the purposes of deceit, in so tremendous a situation. Secondly, arguments to be drawn from the nature of the thing.

1st. If Sir Walter Raleigh had no other view in the expedition but to enrich himself by piracy, and that the prime object had been the plunder of the Spanish town lately built on the coast of Guiana, it is improbable that the attainment of that end would have thrown him and his friend into so terrible a consternation, as to induce the one to destroy himself, and the other to prepare for flight; which intention of flight is one of the facts alledged against him in the King's declaration.

2dly. The plunder of a single town was too contemptible an object for the hazard and danger of so long a voyage. If there were more places to plunder on the same coast, and that plunder was the end, why not attempt any other? it may be alledged that the town was thought to contain vast riches, that little was found there, and that the despair arose from this disappointment. But what could induce a supposition of such riches? not the industry of the Spaniards; it must be the persuasion of mines possessed by them, and to be discovered

laid against him; then sitting himself with com- Anno 1618.
posure for the axe, he received the fatal blow

discovered by the adventurers. The design of Raleigh could not be a general plunder and acknowledged piracy, for he was never taxed with making any propositions of such a tendency; and indeed it would have been a very absurd chimera to have supposed that the gentlemen of fortune and family which he had under his command would have left their country and home-enjoyments for ever, to follow an idle adventurer in the constant pursuit of a precarious gain, to be attained with innumerable hardships, difficulties, and dangers. Could there have been any criminal circumstance proved against him, why not put his life on that issue? why cut him off upon his former sentence? That he had no certain knowledge where lay the mine, is not to be doubted; that he knew of the town lately built by the Spaniards is clear from his instructions to Keymis; but that the only proposed end of so expensive a preparation, and so tedious a voyage, was the plunder of a few Spanish towns on the coast of Guiana, is very improbable.

Raleigh was a dupe to his own over-heated imagination, and over-reached in the whole affair by the low cunning of James. His disposition for adventures had always been expensive to him: During the reign of Elizabeth, the discovery of Virginia had cost him forty thousand pounds. He had also sent out several ships to the territory of Guiana, for information concerning that country and the supposed mines. These circumstances, which shew the vanity of his pursuits, are evidences to prove the integrity of his designs in this last fatal attempt. The only clew to reconcile the many contradictions which a variety of circumstances throw upon this affair, is, to suppose that Raleigh had a real confidence of finding mines on that coast, and depended on their treasures as an excuse for the hostilities committed in their attainment; and that James sent him out with a halter about his neck, to be either the means of filling his coffers, or the expiatory sacrifice for the resentment which the attempt might draw from Spain.

The strongest circumstance which appears against Raleigh's having a confidence in the discovery of a mine, is an accusation of his not having taken sufficient implements for the purpose of mining. But is it certain that this accusation is grounded upon fact? or, if it was, might it not proceed from neglect, or any other reason than the ascribed one?

would

Anno 1613. with an indifference which left strong impressions of veneration on the beholders.

would a man of Raleigh's ingenuity, going out with an intention to deceive, have suffered such an argument to be produced against him? His being entirely silent on the sentence of treason, on which he actually suffered, strengthens the evidence of his strong asseverations on the article of the mine; for had he been determined to clear himself, and load his enemies, by daring perjuries in so tremendous a situation, why make any distinctions? why not attempt to clear himself by the same means of all the aspersions which were not undeniably proved against him?

The King's declaration on the subject of Raleigh's execution is drawn up in so poor a manner that it evidently exposes the falseness of its assertions: Whereas the unfortunate Keymis put an end to his life, from despair occasioned by the cold reception he met with from Sir Walter Raleigh; the declaration says, "It was much observed, that after that unfortunate return of Keymis, notwithstanding Sir Walter Raleigh did publicly give out that he would question him for failing to prosecute the mine, he had him at dinner and supper, and used him as familiarly and as kindly as before."

One of the allegations in this declaration is, "That Sir Walter Raleigh's conscious guilt made him apprehend that he should, on his coming to London, be again imprisoned in the Tower." Immediately after this we meet with a contradictory assertion: "That his countenance was much altered when he suspected this fate from the reading Stuekly's commission from the privy-council; that the door being half open, Manourie saw this alteration from the stair-head (Raleigh being alone in his chamber); that he stamped with his feet, and pulled himself by the hair, swearing in these words, "God's wounds, is it possible my fortune should return upon me thus again?"

James attempts to prove that there was no deceit used to trepan Sir Walter Raleigh into custody; but Stuekly, in an apology he made for his conduct, avers, that in using craft he did but perform the commission he had from the court.

In the King's declaration is a minute description of Raleigh's sham illness, and the shifts this great man was enforced to practise in his endeavours to save his life. A prince here exults over an unfortunate subject, caught in the trap which he had lain for him, and cruelly triumphs in the accidental

The favorable opinion the whole nation, and even James himself, had of the man he had so meanly and unjustly sacrificed, is to be seen in some paragraphs of a letter which Buckingham wrote to Cottington, James's agent at the court of Spain. "His majesty, saith Buckingham, hath given them so many testimonies of his sincere intentions towards them, which he daily continueth, as now of late by the causing Sir Walter Raleigh to be put to death, chiefly for the giving them satisfaction. His majesty hath strained upon the affections of his people, and especially concerning Sir Walter Raleigh. Farther,

cidental weakneses of a man whom he had reduced into one of those interesting situations which are the severest trials of human fortitude.

The following is the reason the King gives for taking him off upon his former sentence: "And because he could not by law be judicially called in question, for that his former attainder of treason is the highest and last work of the law (whereby he was *civiliter mortuus*) his majesty was enforced (except attainder should become privileges for all subsequent offences) to resolve to have him executed upon his former attainder."

The pitiful evasion of this excuse is easily seen through, since, if the King had been willing to have put his life upon the judgment of his country, he might have given him a pardon on his former condemnation, and afterwards tried him on the accusation of piracy; but James did not choose to trust the affair to this issue. Circumstances were entirely changed since the time when Raleigh was tried for treason, and this period of James's reign. Raleigh's cause was at present a popular one, and James had now lost that influence which was attained by the novelty of his person and government; an influence which, in the case of Raleigh, occasioned one of the most iniquitous sentences which stand on the records of this country. *His Majesty's Reasons for his Proceedings against Sir Walter Raleigh, in Somers's third Collection of Tracts, 1751, p. 166, & seq. Sir Lewis Stuekly's Apology, entitled, The Humble Petition and Information of Sir Lewis Stuekly, &c. ibid. p. 215, & seq.*

Anno 1618. you may let them know how able a man Sir Walter Raleigh was to have done his majesty's service, if he should have been pleased to employ him; yet, to give them content, he hath not spared him, when by preserving him he might have given great satisfaction to his subjects, and had at command, upon all occasions, as useful a man as served any prince in Christendom *."

Raleigh was the younger brother of a good family, and distinguished himself both in the sea and land services. His artful address recommended him early to the favor of Elizabeth, and he maintained it to her death, in opposition to the frequent prevalency of a contrary faction. On the fair opportunity which the accession of the Stewarts offered, some articles were by him intimated to restrain the prerogative: Cecil, to make his court effectually, and crush the man whose superior talents were the objects of his envy and his fear, frustrated the attempt, and discovered it to James. Hence sprung the primary motive of that hatred which at length brought this respectable genius to a premature fate. On his trial for treason, Cecil, though of the same faction, and an avowed friend, appeared with the invidious malice of an inveterate enemy. The sentence of death then passed upon him was extorted with an apparent violation of those laws which guard the lives of the subjects †; Coke,

* James, as Buckingham here asserts, sacrificed to the unreasonable demands of Spain one of his best and most useful subjects. But the king of Spain, notwithstanding the repeated solicitations of James's ambassador, refused to deliver up to judgment every English criminal who had taken refuge in Spain.

† Sir John Hawles, solicitor-general to king William, writes thus on the circumstances of Sir Walter Raleigh's trial: "I would know by what law is the deposition of a person,

the attorney-general, protesting, that if circumstances alone were not valid in the case of treason, the crown could not stand one year on the King's head. Anno 1618.

Raleigh, at different times of his life, tasted both of the hatred and esteem of the public. His character. He was extremely odious to the people at the time of his trial, on the supposition of his having been one of the principal promoters of the death of Effex : His after-sufferings, his philosophical deportment, his literary merit, and unjust execution, turned the tide of envy to respect, love, and compassion. The character of Sir Walter Raleigh merited neither of these extremes : His apprehension was quick, his parts subtle ; he had an indefatigable industry, and a great command of temper ; but his judgment was clouded with partial views of self-interest, and the servile prejudices of the times : though guiltless of any atrocious crimes, yet his morals had taken a deep tint from the vices of a court. His shining qualities dazzle the judgment, and extort a complacency for his foibles ; but his virtues were not of the stamp to merit genuine applause.

person, who might be brought face to face to the prisoner, read as evidence ; I would know by what law it is forbidden, that the accuser should be brought face to face to the accused ; I would know by what law Brook's deposition of what the lord Cobham told him of Raleigh was evidence against Raleigh ; I would know by what law the story Dyer told of, what an unknown man said to him at Lisbon of Don Raleigh was evidence against Raleigh ; I would know by what statute the statutes of the twenty-fifth of Edward III. and fifth of Edward VI. are repealed."

C H A P. VI.

Negotiations with Spain.——*Commotions in Germany.*——*Prince Palatine elected king of Bohemia.*——*Bohemia invaded.*——*Ruin of the Palatinate.*——*Parliament.*——*Fall of Bacon.*——*Protestation of the Commons.*——*Dissolution of the Parliament.*

Anno 1618.

THE death of Raleigh heightened that distaste which the public had long conceived to James: To execute a man of merit upon a sentence originally illegal; a sentence whose rigor had been already felt in the loss of a large fortune, and a fifteen years imprisonment; a sentence which had been understood to have been pardoned by the trust and command lately conferred; was looked on as an instance of the utmost cruelty and injustice: to do this upon the motives of gratifying the Spaniards, in a point on which they had small pretensions, as an instance of the utmost meanness; and this to forward an alliance which the whole nation detested, excited an indignation and contempt which nothing but the imbecility of the times prevented from rising to a height which would have shook the firmest foundation of that divine right which can commit folly, crimes, and injustice with impunity.

In the same proportion as was James's disregard to the good of the nation, rose his attachment to worthless individuals. Buckingham now enjoyed his favor to a height of extreme dotage: In his person centered every kind of honor in which a subject could be gratified; on his caprice depended the preferment of the ablest men in
the

the three kingdoms; and to his inexperience, levity, and ignorance, were confided the whole powers of government. Anno 1618.

Suffolk, the only remaining weed of Somerset's planting, was now removed for a new growth. His well-known rapaciousness gave a just handle for his prosecution; Coke, who personally hated him, had the management of it. He had been re-taken into favor on a mean application to the minion, whose countenance he had courted by the sacrifice of his daughter, a great beauty with a large fortune, to his brother, Sir John Villiers. This match had been proposed to Coke before his disgrace, and rejected with marks of contempt; he afterwards entreated submissively the alliance, and offered an acquiescence to any terms of settlement which the party should approve. Bacon, who had now attained the chancellorship*, was another of Suffolk's

* Villiers, at the time he obtained the seals for Bacon, sent him a message by a gentleman to the following purport: "That he knew him to be a man of parts, and, as the times were, fit to serve his master in the keeper's place; but he also knew him of a base ungrateful disposition, and an arrant knave, apt in his prosperity to ruin any who had raised him in his adversity. Yet, for all this, knowing how fit an instrument he might be for his master, he had obtained the seals for him; but with this assurance, should he ever requite him as he had done some others, to whom he had been more bound, he would cast him down as much below scorn as he had now raised him high above any honor he could have expected."

This charge refers to Bacon's ungrateful treatment of his first patron, the earl of Essex. This nobleman had applied with all the warmth of friendship to Elizabeth for the place of solicitor-general for Bacon: On meeting with a refusal, he would needs make up the disappointment out of his own private fortune, and bestowed upon him the gift of Twickenham-park, which was afterwards sold at an under price for the value of eighteen hundred pounds. When Essex fell under the displeasure of the court, Bacon, who was one of

Anno 1618. severe antagonists. Coke conducted the prosecution with an ability and acrimony peculiar to

the queen's counsel, managed a charge against him before an assembly of counsellors, judges, and peers, concerning a book which had been lately dedicated to him. It was an history of the first year of king Henry IV. and being written with freedom, Elizabeth wanted to have some of the passages brought into the case of treason. On Essex's attainder, Bacon was again employed against his generous patron; and, after his unhappy fate, the same Bacon, by the queen's command, drew up and published a declaration, setting forth the crimes and misdemeanors of the said earl. A behavior so unjustifiably scandalous drew upon Bacon a general detestation, which was not extinguished during his whole life, nor can his memory be exempted from it, whilst any generous qualities remain in the human species.

Weldon gives the following account of Bacon's absurd and mean conduct after he had obtained the seals, viz. "Now was Bacon invested in his office, and, within ten days after, the King goes to Scotland. Bacon instantly begins to believe himself King; lies in the King's lodgings, gives audience in the great banquetting-house, makes all other counsellors attend his motions, with the same state the King used to come out to give audience to ambassadors; when any other counsellor sat with him about the King's affairs, would, if they sat near him, bid them know their distance; upon which secretary Winwood arose, went away, and would never sit more under his encroached state, but instantly dispatched one to the King, to desire him to make haste back, for even his very seat was already usurped. In this posture he lived until he heard the King was returning, and began to believe that the play was almost at an end, he might personate a King's part no longer; and therefore did again re-invest himself with his old rags of baseness, which were so tattered and poor at the King's coming to Windsor. He attended two days at Buckingham's chamber, being not admitted to any better place than the room where trencher-scrapers and lacquies attended; there sitting upon an old wooden chest, with his purse and seal lying by him on that chest. After two days he had admittance: At first entrance he fell down flat on his face at the duke's foot, kissing it, vowing never to rise till he had his pardon; then was he again reconciled; and since that time was so very a slave to the duke, and all that family, that he durst not deny the command of the meanest of the kindred, nor oppose any thing."

If

himself: Suffolk was accused in the Star-chamber, and convicted of mal-administration in his office. His sentence was confinement in prison during the King's pleasure, and a fine of thirty thousand pounds. The loss of the treasurer's staff preceded it.

If this tale is told with exaggerations, it must be allowed that it has a foundation in reality. Bacon had certainly disoblged Winwood, James, and Buckingham, during the King's residence in Scotland. Through motives of jealousy, he had violently opposed the match between Coke's daughter and Sir John Villiers. He had gone so far in his opposition as to threaten Winwood with a premunire for granting a warrant to search for the lady, who had been secreted by her mother to prevent the match; and had ventured to write a letter to James, in which he represented the intended union as a thing which might prove detrimental to himself and favorite. James returned a very angry epistle, and Bacon began to find himself in a precarious situation. He was informed by Sir Henry Yelverton, that Buckingham had openly said, "He repented the having raised him so high; that the ingratitude with which he had behaved to the earls of Essex and Somerset was an inveterate custom in him." That it was common in every courtier's mouth, that his greatness should be abated; and, as his tongue had been a razor to some, it would be retaliated on him; That there were laid up for him many petitions against him to his majesty: That Buckingham had said, "That he would not secretly bite; but whosoever had any interest, or tasted of the opposition to his brother's marriage, he would openly oppose them to their faces, and they should discern what favor he had by the power he would use."

Bacon wrote many submissive letters to the King and favorite, without receiving any assurances of forgiveness. One of the letters he wrote to the King on this occasion ends in the following strain: "And so expecting that that sun, which, when it went from us, left us cold weather, and now it is returned towards us, hath brought with it a blessed harvest, will, when it cometh to us, dispel and disperse all mists and mistakings." *Weldon. Mallet's Life of Bacon. Bacon's Apology. Original Letters by Dr. Birch, p. 139, & seq. Cabala, p. 57.*

Anno 1618.¹
Negotiation
with Spain.

The council was now brought to an entire approbation of the Spanish match: and Sir John Digby, by commission under the great-seal, was authorized to treat and conclude the marriage. Sarmiento had been recalled to Spain to give an account of his negotiation: That court was so pleased with his conduct in procuring Raleigh's death, that they gratified him with the title of count Gondemar, and sent him back with powers to carry on the negotiation. Five leading articles were at length agreed on between the two monarchs:

Rushworth. I. That the pope's dispensation be first obtained by the mere act of the king of Spain.

II. That the children of this marriage be not constrained in matters of religion, nor their title prejudiced, in case they prove Catholics.

III. That the infanta's family, being strangers, may be Catholics, and shall have a decent place appointed for divine service, according to the use of the church of Rome; and the ecclesiastic and religious persons may wear their proper habits.

IV. That the marriage shall be celebrated in Spain, by a procurator, according the instructions of the council of Trent; and, after the infanta's arrival in England, such a solemnization shall be used as shall make the marriage valid according to the laws of this kingdom.

V. That she shall have a competent number of chaplains, and a confessor, being strangers; one whereof shall have power to govern the family in religious matters.

It is easy to discover that the first article was framed for the double purpose of protracting the treaty,

treaty, and as an excuse for the entire breaking it, whenever the affairs of Spain made it their interest to put an end to the deceit. But such was the ardor and such the infatuation of James, that, for fear of interrupting the treaty by any exceptions, he neglected a critical opportunity to oblige the Spaniard to declare himself in a manner which could not be evaded. Anno 1618.

A commotion this year broke out in Germany, which threatened the entire ruin of the Protestants, and bid fair for a general re-establishment of that ecclesiastical servitude from which part of the inhabitants had been lately delivered. In the state of Bohemia the tenets of the reformed church prevailed; as the regal dignity was elective, they had obtained, from the favor of this circumstance, essential privileges in the point of religion*. The emperor Matthias possessed the crown of Bohemia; to please the Catholics he adopted his cousin-german Ferdinand, archduke of Gratz, for his successor. Ferdinand was of the younger branch of the house of Austria; zealously bigotted to the Popish faith. The ambition of this prince was not satisfied by Matthias's adoption; he obliged him, through the means of the Roman Catholic party, to resign the crown of Bohemia; and, by a partial call of the States, in an assembly composed of Catholics, he obtained the election, though with a proviso not to act as sovereign till after the death of the emperor. On this usurped settlement the kingdom of Bohemia was governed by a council of Papists, and the Protestant party was treated

Commotions in Germany.

* By an agreement with the emperor Sigismund, on his election to the throne of Bohemia, there was to be no citizen or magistrate in Prague but such as were of the reformed religion.

Anno 1618. in an injurious manner. A general assembly of the States, called by the officers appointed to enforce the execution of edicts, demanded a reparation for the injuries they had sustained, and adjourned themselves to another day. The emperor's lieutenants, according to orders, attempted to prevent their re-meeting. So tyrannical an opposition enraged the States to a degree of phrenzy; they seized the emperor's officers, and flung three of the most insolent of them out of the castle-window.

War was become unavoidable, and both sides made great preparations. From the time of the emperor's attempt upon Juliers, the Protestant states of the empire had formed a confederacy against the oppressive power of the Catholics; this coalition was termed the Evangelical League*. Of these powers the Bohemians implored assistance, and invited the elector-palatine to accept of their crown. In the interim Matthias died, and Ferdinand obtained the imperial dignity by the same means which he had obtained the crown of Bohemia†. Every branch of the house of Austria, vested with large powers, was now united against the reformed religion. In this critical situation the Protestants did not neglect the defence of Liberty: the cause of the Bohemians was adopted, and the elector-palatine

A. D. 1619.

Prince palatine elected king of Bohemia.

* The princes who formed this league were, the elector-palatine, the elector of Brandenburg, the marquis of Anspach, the duke of Wirtemburgh, the landgrave of Hesse, the princes of Anhalt, and the marquis of Baden.

† The elector-palatine's ambassador, who came to oppose the election, and the ambassadors from the States of Bohemia, were stopped at Franckfort. The States of Bohemia complained of the act of convocation which had been sent to Ferdinand, seeing he could not exercise the privileges of an elector, except in their name.

marched

marched into Prague, and took possession of the offered crown. Anno 1619.

Very different was the effect which this news had upon James and his subjects. The generous people, animated by the cause of Liberty, ardent for the relief of their Protestant brethren, were fired with impatience to enter as parties into the quarrel. The monarch, whose ambition was centered solely in the object of the Spanish match, had very contrary inclinations. Indeed his finances were not in a situation to enter into a war without a large recruit from parliament; and the treaty on foot, opposite to the inclinations of the whole people, made such an assembly particularly undesirable at this juncture. Besides, the English navy, which would have been of notable use to have kept Spain in awe, by the instances of Gondemar, had been suffered to go almost totally to decay, and wanted much time and money to put it into a condition for any hostile attempt. These arguments, drawn from his present circumstances, were not the only ones which inclined James to abandon his son-in-law. His exalted idea of the rights of a king, however unjustly and illegally those rights had been obtained, would have been alone a sufficient motive for him to deny his assistance to the revolted States; therefore, without examining into the nature of their pretensions, he declared against them in the council, and forbade his son-in-law to be prayed for under the title of the king of Bohemia. The archbishop of Canterbury, detained by illness from being at this council, wrote to secretary Naunton, that it was his opinion the elector should accept of the crown, and England openly supported him. James rejected the reasons which the archbishop urged to support

Anno 1619. support his opinion, as favoring too much the pretensions to Liberty in subjects.

The viscount Doncaster had been sent some time before this into Germany, to offer James's mediation to compose the difference between the emperor and the Bohemians *. This pitiful in-

* The following is the advice which the States gave to the King of England on this head. "The States' deputies, writes Carleton in a letter to James, came to me in the name of their assembly, to put a question unto me, What I could inform them of your majesty's intention in succoring your majesty's allies and theirs in Germany, particularly the Palatinate, now most in danger, to the end they might govern themselves accordingly. I had not much to answer, save what I had understood of your majesty's former intention to send ambassadors into Germany to join with the French in pacification of those troubles; and now newly of your majesty's purpose of sending first to those princes who seem to threaten the Palatinate with extraordinary levies. This they approved, so as the embassy might be countenanced with an army, otherwise they doubted of the effect; and thereupon desired me to advertise your majesty of the strength of the two Spanish armies, one of about twenty thousand foot and four thousand horse, which is to be at the rendezvous in Luxemburgh at the end of this month, and so march towards Germany, under the conduct of the marquis Spinola, before the midst of the next; the other under the command of Don Lewis de Velasco (the strength whereof is not known, but by conjecture of the number of the old troops) which is to wait upon the States' army, in case it should draw to a head upon Spinola's marching. Their intention, they said, was good, and their resolution ready to assist the princes, and particularly the Palatinate, according as in your majesty's name I had formerly desired them, for the preservation of your majesty's son-in-law in his patrimonial inheritance and countries, to the end your majesty might the more easily procure the pacification you intend. But the princes in Germany being too weak of themselves to make resistance, and their strength here too little to be hazarded between two armies, one of which would cut betwixt them and home, while they followed the other, and, upon any disaster which might befall their men, would follow their victory, even into the heart of these countries, which are yet much unsettled by reason of their late distractions, and much
of

terfering was treated by Ferdinand with so much Anno 1619.
disdain, that the ambassador could not obtain one
audience.

This year a very arbitrary act of sovereignty Ormond oppressed.
was exercised on the earl of Ormond. He was
thrown into prison for refusing to stand to the
King's arbitration concerning a disputed estate
between him and the lord Dingwell. The King
had adjudged it in favor of his antagonist. This
lord Dingwell was Sir Richard Preston, an old
companion and favorite of James. He obliged
the late earl of Ormond to marry his daughter
to him, and created Preston, on this occasion,
baron of Dingwell, in Scotland. On the death
of this earl, the title descended to his nephew,
Sir Walter Butler, on whom the estate was in-
tailed; the lord Dingwell disputed this right on
the pretension of his wife's succeeding as gene-
ral heir, and obtained possession by an unjust
exertion of the power of the crown, notwithstand-
ing Ormond's title to the estate was corroborated
by the will of the deceased earl.

Ormond was not the only individual who suf-
fered from illegal acts of power in this reign. Whitlock
and Manfell imprisoned.

of the strength thereby diverted, they know not what satisfac-
tion to give your majesty in defence of the Palatinate, un-
less your majesty's more powerful hand should concur there-
in, and therefore they doubted a fearful event of this sum-
mer's work; that the Spaniards would not only make them-
selves, without much resistance, masters of the Palatinate,
but bring all the united princes and the free towns to their
subjection, of which danger they likewise desired me to ad-
vertise your majesty; and with all to beseech you, as the
chief protector (under God) of the common cause of religion,
and a prince particularly interested in your son-in-law's for-
tune, to contribute some part of your great power to the
safety of both; wherein your majesty should find them ready
to employ the uttermost of their abilities." *Carleton's Letters*,
p. 473, & seq.

Whitlock,

Anno 1619. Whitlock, a lawyer, and Sir Robert Mansell, the vice-admiral, were both committed to prison; one for giving his opinion in a case which was supposed to touch the King's prerogative, and the other for asking it. The opinion was not given in public, but as a private intimation to a friend.

Peachum
racked.
Original
Letters, &c.
by Dr. Birch,
p. 47.

Edmund Peachum, who was taken up for writing some offensive passages in a sermon, was racked several times in prison, that a confession of treasonable purposes might be extorted from him by the force of pain. The strength of his resolution rendering this method ineffectual, the question was, how to convict him on the circumstances of those passages? James drew up with his own hand a state of the question. In this performance he employed all the powers of his logic to enlarge the boundaries of high-treason to the present case. The sermon had never been made public, either by preaching or printing.

Original
Letters by
Sir D. Dal-
rymple,
1762, p. 36.

In Peachum's case, Bacon, who then held the place of attorney-general, by command of the King extorted, by the force of importunity, the several opinions of the judges. Sir Edward Coke affirmed, "That such an auricular taking of opinions was not according to the custom of the realm; that it was new and dangerous." Bacon's artifices and importunities at length prevailed: He wrote word to James that he was not wholly out of hope, that my lord Coke would comply when he had in some dark manner put him in doubt that he should be left alone.

Anno 1620. In the beginning of the year 1620, the affairs of Bohemia were in a good situation. Several princes of Germany had formed a league to support the new king; and Bethlem Gabor, prince of Transylvania, had procured a diversion in Hungary,

Hungary by exciting the Hungarians to rebel Anno 1620. against the emperor. At this critical time had England awed the Spaniards by her fleet, and sent a moderate assistance of land-forces into Germany, the war might have been soon determined to the advantage of the Protestant cause, and the firm establishment of the palatine on the throne of Bohemia. But this continental war, the only one perhaps in which it was ever politic for England to engage, and in which for once the glory of the people and the interest of the sovereign were united, was so disclaimed by James, that the ambassadors * whom he sent into Germany to close the breach between the emperor and his son-in-law, damped the hopes of the Protestant league, and encouraged the Austrians by disavowing the elector's proceedings, and denying to give him the title of king of Bohemia. At the same time he ordered Cottington to assure the king of Spain, that his son-in-law had acted without his knowledge, that he disapproved of his conduct in accepting the crown, and was determined to disown him if he persisted in his pretensions. A kind of complaint was also made to that court, that the emperor, by referring the business to four electors, had disregarded the king of England's intentional kind offices, and left no place for his authority to interpose.

Whilst James's attention was thus engrossed in giving satisfaction to the house of Austria, the affairs of Bohemia began to wear a threatening aspect. The elector of Saxony was won over by a jealousy of the Palsgrave's new dignity, and the

James dis-
claims his
son-in law's
cause.

The Pro-
testant cause
declines.

* These were Sir Richard Weston and Sir Edward Conway. Sir Richard Weston was a Roman Catholic.

promise

Anno 1620. promise of Lusatia *. He entered that country with an army of twenty thousand men. The like means were used to engage the duke of Bavaria, who, at the head of a Catholic league, declared for the emperor. The king of Spain was levying a considerable force in the Netherlands for his use. The prince of Orange, who had urged the Palgrave to accept the crown of Bohemia, was impeded from giving him any considerable assistance by the commotions his conduct had excited in the United Provinces †. Other states were infected by the coldness of England ‡; and

* By the malignant jealousy of this prince, and the weak unnatural conduct of king James, a very critical opportunity was lost of reducing the power of the house of Austria, and giving superiority to the Protestants in Germany.

† The States were extremely inclined to support the king of Bohemia; but their domestic quarrels, and the aversion they found in James to enter into the quarrel, prevented their exerting themselves farther than the allowing him a monthly aid of fifty thousand florins. They wrote a letter to the Protestant princes assembled at Nuremburg, to hasten them in their resolution for the assistance of the king of Bohemia. They told James's ambassador, that the security of the Palatinate depended on the King of England; who, shewing himself and his power in time, would keep them all in obedience. "In this opinion, writes Sir Dudley Carleton, I am daily assailed with interrogatories what his majesty doth resolve, and what his majesty will do." *Carleton's Letters*, p. 431.

‡ Carleton, the English resident at the Hague, gave from thence the following intelligence to the English court: "That Monsieur Langerac had written from France, that the emperor's ambassador had obtained a private consent of succors from that king; the apprehension whereof did cause Broderode, the States' ambassador, to write very fearful letters from Heidelburgh, as if the Lower Palatinate would be a prey the next spring to the French, Lorrain, and the archduke's troops. To which he added, that the French agent there having his means augmented, prepared himself to follow the king to Prague: but in his letters from the French king and commission went no farther in title than what

the Hungarians and Transylvanians, by means of the king of Poland, had been necessitated to make a truce with the emperor. Anno 1620.

The king of France, who was engaged by interest to interrupt the growing greatness of the Austrian family, was kept in a neutrality by the influence of his favorite Deluynes. Deluynes had been bribed into this measure by the gift of a rich heiress, in the disposal of the archduchess Isabella.

Besides these disadvantages which threatened the Protestant cause, the conduct of the elected king of Bohemia was weak and indiscreet. He entrusted the command of his forces to prince Anhalt, in preference to two able commanders who had already rendered him considerable services, the counts de la Tour and Mansfeld. His domestic behavior gave great offence to his new subjects: He affected much state and grandeur, and his wife introduced a gaiety which indeed she had been used to in her father's court, but which disgusted the religious Bohemians, whose zeal ought to have been kept up by a frugal appearance, and a strict severity of manners.

Burnet.

In spite of that aversion which James had to enter into any measures which might incur the displeasure of Spain, the popularity of his son-in-law's cause in a manner obliged him to admit of one regiment's * going to the Palatinate, to

what he was wont, which he excused upon his majesty's not having acknowledged his son-in-law king of Bohemia; in which respect, he said, it must not be found strange in those princes who had not so near interest as the King of England in blood and title." *Carleton's Letters*, p. 436.

* This was so much against the King's inclination, that Wootton told the archduke Leopold, that true it was the English subjects had taken the alarm, and voluntarily meant to sacrifice themselves for the defence of the Palatinate, but

Anno 1620. make head against Spinola, who had invaded it with the Spanish forces. The fortunes of Frederic, king of Bohemia, began now to gather to a crisis: A large force, under the several commands of Maximilian duke of Bavaria, Bucquoy, and Balthazar, advanced to Prague, the capital of Bohemia; the Bohemian forces were drawn out to oppose them. On the eighth of November a battle was fought, which gave a decisive victory to the Imperialists, and obliged the king and queen to take their flight towards Holland. One of the chief reasons which occasioned the precipitate fate of this unfortunate prince, was his suffering a discontent to rise in the army for want of pay, though he had actually a great treasure by him, which, after his defeat, fell into the hands of the enemy.

Bohemia
invaded.

Ruin of the
Palatine.

Prince Anhalt immediately deserted the vanquished party, and fought the battles of the Imperialists. The generous la Tour and Mansfeld, notwithstanding the ill usage they had received, stood firm to the cause of Liberty, and continued with the remainder of the beaten forces to harass the countries dependant on the emperor.

Death of
Anne.

Anne of Denmark, James's queen, did not live to see the entire ruin of her daughter's fortune. Her death happened in the beginning of the year 1619, in the forty-fifth year of her age. She was a woman of a vain, haughty, and violent temper*. The court-amusements took

without his master's concurrence of money or command. Sir Horace Vere was colonel of this regiment, the earls of Essex and Oxford captains. Essex pensioned fifty men that went on this expedition, besides the complete number of his own company. *Sanderfon*, p. 484, & seq.

* At the time of her daughter's marriage with the Palsgrave she had been flattered from the king of Spain with hopes

their bias from these qualities; they were pompous and gaudy, without any degree of taste or propriety *. The directions of the revels were

hopes that she might have him for a son-in-law. This put her into so ill a disposition for the Protestant match, that she descended to such childish expressions of resentment as to call her daughter in derision Good-wife Palsgrave.

Spotswood gives us the following account of the violence of this princess's temper: " Prince Henry was assigned to the care of the earl of Marr: On the queen's intended journey to London she went to his house, and demanded her son, that he might accompany her. This demand being denied by the family of the earl of Marr, she became so incensed, that it occasioned her a fever, and that fever a miscarriage. The King being advertised of her sickness, sent the duke of Lenox with a warrant to receive the prince, and deliver him to the queen. Notwithstanding this indulgence, she wrote a letter to the King, full of passion, requiring a public reparation by the punishment of the earl of Marr and his servants. The King sent her word, that she should do wisely to forget the grudges she carried to the earl of Marr, and thank God for the peaceable possession they had obtained of the kingdom of England, which, next under God, he ascribed to the last negotiation of the earl of Marr in England. When this message was delivered to the queen she replied, in great wrath, that she rather would have wished never to see England, than to be in any sort beholden to the earl of Marr." *Spotswood*, p. 477.

* The two following authentic letters are examples of the kind of vulgarity which prevailed in this princess, and consequently infected the whole court.

Queen Anne to King James.

" I am glad that our brother's * horse does please you, * King of Denmark. and that my dog Stennie † does well; for I did command him that he should make your ear hang like a sow's lug, and † Villiers, when he comes home I will treat him better than any other dog."

Queen Anne to viscount Villiers.

" You do well in tugging the sow's † ear, and I thank † King you for it, and would have you do so still, upon condition James. that you continue a watchful dog to him, and be always true to him" *MSS. Brit. Mus.* fol. 6986.

Anno 1620. the bounds of Anne's empire. It was perhaps from the little influence she had over her husband, that she escaped the odium which fell on all those who transacted the public affairs.

A benevolence demanded.

James attempted to turn to his own pecuniary advantage the zeal which the people expressed for the reinstatement of the Palsgrave's fortune. On the almost entire loss of the Palatinate a benevolence was demanded, as an aid towards its recovery. Whether the people looked upon this as an excuse only to extort money from them; whether they were disgusted at its being demanded at a time too late to expect any fruits from such an assistance; or whether they were unwilling to encourage the examples of these illegal methods of raising money; the King got little from his subjects by this stratagem*. He soon after called a parliament, forming great hopes from the general disposition towards a German war.

Rapin.

While the people were encouraged to believe that the King would really attempt the recovery of the Palatinate, Buckingham wrote a letter to Gondemar, in which he assured him, " That his master was determined to remain neuter, for the reasons of conscience, honor, and example. On the first reason, the church very justly opposed the principle of the Jesuits, who take upon them to enthrone and dethrone princes according to their fancy; that our religion enjoins us to obey our prince and sovereigns, though they should be Turks or infidels. Secondly, that if he assisted his son-in-law in this affair his actions would be contrary to his protestations, which would be

* James at this time demanded a benevolence from his Scotch subjects, but every rank of people excused themselves from compliance. *Spotswood*, p. 541.

very dishonorable. Thirdly, it was a very dangerous precedent against all Christian kings, to allow of the translation of a crown by the authority of the people.”

At the same time when James was giving these full assurances to the Spanish minister, his ambassadors were dancing attendance at every prince's court in Germany, to endeavor to incline them to the pacific measures of their master. The arguments they made use of on this occasion, shewed so strongly James's determined purpose, that it confirmed the coldness of the Protestant allies, and freed their antagonists from the apprehensions of a powerful opposition. Mean while, the regiment of English volunteers, not having been joined by any considerable force, had been able to do so little in the Palatinate, that that country had fallen almost entirely into the hands of Spinola, the Spanish commander. Whilst the king of Spain was thus completing the destruction of James's family, Gondemar had the address to persuade him, in spite of his aversion to warlike enterprizes, to send out a naval force against the Algerines, who began to be formidable to the Spaniards: At the same time the ambassador was suffered to buy up all kind of warlike stores to supply the Spanish magazines. These were not the only instances of a surprising power which this subtle genius had over the weak mind of the English monarch: He actually persuaded him that his master's conquest of the Palatinate would accelerate its restoration, as it would be a gallant present for the infanta to give on her marriage.

James was not the only dupe to the artifices of Gondemar. Marco Antonio de Dominis, archbishop of Spolato, fell a victim to his ensnaring

Anno 1620. courtesy: He came into England in the year 1618, abjured the Roman Catholic faith, and was preferred to the mastership of the Savoy, and the deanry of Windsor. After some years' stay, though he was grown old and infirm, he suffered himself to be gained by the hopes of a cardinal's hat, and return to Rome to be reconciled to that church. Instead of being presented with a cardinal's hat, he was thrown into the inquisition, and, after his death, his body was publicly burnt.

Rushworth. To create a confidence in the ensuing parliament of a real intention to recover the Palatinate by the force of arms, nine commissioners were appointed to consider what proportion of men, shipping, and treasure, would be sufficient for the enterprize. The earl of Essex, one of the officers in the regiment now in Germany, who had just returned from that country, was one of these commissioners.

The tongues of men were so busy in censuring the government, that proclamations continually issued against excess of speech; all of them were in threatening strains, but as the individual offenders were screened by their multitude, these proclamations served only to increase their clamor.

A parliament meets.

On the thirtieth of January, according to the King's appointment, the parliament met. In the beginning of James's speech to this assembly, he laments the little influence his wise and florid discourses had hitherto had over parliaments. "I may truly say, said he, that I have piped unto you, but you have not danced; I have often mourned, but you have not lamented." He then makes the following curious definition of the nature of parliaments: "I know there are divers sorts of foreign parliaments, some more, some less in number; but I leave them;—only this I would

would have you to observe, that it is a vain thing for a parliament-man to press to be popular, for there is no state or parliament without a monarchy; so the Grizons, Swisses, and Low-Countries, which are governed without a king, have no parliaments, but councils and assemblies: This I put you in mind of, that you serve under a monarchy, and that you must stand or fall with it *." James assures the parliament, that he will do nothing in the Spanish match which shall not be for the good of religion. The trial of his sincerity he refers to his works and writings, wherein he says, "He has been a martyr tortured in the mouths of the vulgar." He hopes they will trust the wisdom of their King so far, that he will never do one thing in public and another in private; the main end of his calling them together, he owns, was to obtain a supply for his necessities; he draws a comparison between his present situation, and "That of a woman with-child, who has gone her time of travail; only instead of months, himself had gone ten years, and therefore it was full time that he should be delivered of his wants." He gives a detail of his present œconomy; "That ten thousand a-year was abated in his household expence; that his young admiral †, out of the love he bore to him, had, by taking all upon himself, saved him the envy which such a particular favour would otherwise have occasioned him;

* By James's manner of expressing himself, it is not easy to find out the distinction he endeavours to demonstrate; since, if the design of the body of men he addressed had been to procure to themselves sovereignty, it would be of little consequence to them whether they were called an assembly, council, or parliament.

† The duke of Buckingham.

Anno 1620. that the expence of the navy was diminished twenty-five thousand pounds *." He then tells them, " That the second cause for this call of parliament is the miserable and torn state of Christendom." He mentions the money it cost him in Doncaster's embassies to compose differences, and blames his son-in-law for accepting the crown from the alienated States. He proceeds to give his reasons for not having interfered in the cause: " First, said he, I would not make religion the cause of deposing kings; I leave that to the Jesuits, to make religion a cause to take away crowns. Next, I was not a fit judge between them, for they might say to me as he said to Moses, Who made thee a judge over us? and myself would not be content for them to judge whether I were a king or not. Lastly, because I had been a meddler, and then to determine my son might take the crown upon him, had been improper." He next informs them, " That he has spent two hundred thousand pounds to prevent the Palatinate from being invaded; and that he will leave no travail untried to obtain a happy peace." After having given a hint of his merit in expending forty thousand pounds upon the piratical war, he desires them to consider if he deserved not respect. " How happy a fame will it be, concludes he, that he is revered by his people, and reciprocally loves them? Now shall I be honored by my neighbor princes; and my government, peradventure, made an example for posterity to follow."

* The navy at this time was suffered to go to decay. Gondemar had told James, that furnishing a naval force would breed suspicion in the king his master, and avert his mind from the intended alliance. *Rushworth*, vol. I. p. 3.

Whatever might be the effects which this wise and persuaſive ſpeech had upon the parliament, their firſt tranſaction was a petition to the King for the due execution of laws againſt Jeſuits, ſeminary prieſts, and Popiſh recusants*. They then entered on the conſideration of thoſe numberleſs grievances under which the ſubjects had labored in their perſons, property, and apprehenſion, during the vacancy of parliament.

The Commons, not to loſe the only moments which rendered them capable of ſerving their country, waved the arguments which the courtiers made uſe of for a ſpeedy ſupply †, and en-

* In the debate concerning this buſineſs in the lower houſe, Sir Jerome Horſey moved, that four or ſix members ſhould be appointed to ſearch the vaults and cellars under the parliament-houſe twice a week.

The Papiſts at this time met with ſuch encouragement from the miniſtry, that they made no ſcruple to declare they expected liberty of conſcience, and a toleration of their religion. *Parl. Hiſt.* vol. V. p. 327.

† On this ſubject of ſupply Sir William Cope moved, that a committee of the whole houſe ſhould ſit every afternoon to conſider the ſtate of Chriſtendom, England, the ſtate of wars, and the beſt means to carry them on. Sir John Davys argued, on the ſide of the court, to give ſpeedily, that all men run together to quench a fire, though they were not on fire, yet the Palatinate was on fire, religion was on fire, and all other countries on fire. Sir James Perrot moved, that ſupply and grievances might be as twins, to go together, and have no precedency. There had been a proclamation, he ſaid, to reſtrain ſpeaking on matters of ſtate, and the King's ſpeech had confirmed it; that there was alſo reſtraints put on petitioning in religious matters. He moved for a petition to the King to explain himſelf what he intended by matters of ſtate. If recusants and the like, ſo monopolies, &c. may come within the compaſs of the prerogative; even for the Palatinate, what to be given, how to be employed, may come within the compaſs of matters of ſtate. A committee might form ſuch a petition, and bring it into the houſe tomorrow. He was againſt a conference
with

Anno 1620. tered into proceedings on the many vexatious grants which had harrassed the subject during this long period of seven years. The most glaring abuses were dispensations of penal statutes in the farming out inns*, grants of monopolies, and grants of concealments†. A patent for the sole making of gold lace, given to Sir Giles Mompeffon, a creature of the favorite. Sir Edward Villiers had a large share in the profits, though his name was left out of the patent. The privilege of the patentee went so far as the power of imprisoning all those who should presume to make this commodity, and even to enter their houses, and forcibly take away such goods. By the means of so extensive a privilege, through the avarice of the patentee, all the gold lace

with the Lords, for in the last parliament they rejected a conference. Sir Edward Coke urged, that the privileges of the house concerned the whole kingdom: "But take heed, said he, that we lose not our liberties by petitioning for leave to treat of grievances. No proclamation can be of force against an act of parliament. In Edward III.'s time a parliament was holden every year, that the people might complain of grievances. If a proclamation comes against this, the law is to be obeyed, and not the proclamation. The fourth of Henry VIII. Strowde moved against the Stannary-court, but was fined after the parliament, and imprisoned by the steward of the Stannary: Thereupon a law ensued for freedom of speech in the house, but it ought to be done in due and orderly manner." *Parl. Hist.* vol. V. p. 329, & seq.

* Excessive fines were set upon these houses of public refreshment; the licensing them was taken out of the hands of the proper magistrates, viz. the justices of the peace. By this means all kind of disorderly persons were permitted to keep inns.

† These were grants of concealed titles to lands. People were turned out of what they had been long in possession of, after having spent great sums on improvements. The Commons complained that a cathedral and twelve hospitals had been swallowed up by it.

then

then made was adulterated to less than half its value *. Anno 1629.

The unravelling these complicated scenes of villainy began to make James tremble for his favorite. He would have dissolved the parliament, had it not been for the artful counsel of John Williams, dean of Westminster, who advised him to sacrifice every other criminal to the public resentment, and sooth them with an assurance that it was proposed by Buckingham. Williams's advice was followed, and Buckingham declared in the house of Lords, that though he had two brothers called in question, he would not defend them, but leave them to the censure of parliament. This appearance of candor, and the fear of being taxed with giving any delay to a measure so popular as the German war, made the Commons part with two subsidies, and abate of those scrutinizing enquiries which might affect the minister, and prevent the bringing other criminals to justice.

Among the numberless evidences which thronged to accuse the corrupt ministers of the crown, matters of high importance were charged against Bacon, who had some time enjoyed the chancellorship, and was now distinguished by the title of viscount St. Albans. He was not only accused of having set the seal to a great number of illegal patents, but even of bribery in the exercise of his office as chancellor †.

Bacon accused of malversation in his office.

* In a conference on these subjects between the two houses, the lord-chancellor and the lord-treasurer had stood up improperly to speak in their own defence. The lord-chamberlain complained to the upper house of this irregularity, and termed them two Great Lords: This distinction was objected to by lord Spencer: It was agreed, that no lords of that house were to be called Great Lords, they being all peers.

† In the complaint which the Commons brought up against

Anno 1620.

The encouragement which James had been prevailed on to give towards the discovery of the iniquitous practices of the times, was too great to make an honorable retreat. Buckingham and the chancellor could not both be preserved without the dissolution of the parliament, and such a step must have tacitly condemned both the monarch and the minister, whose reputations could no otherwise be preserved than by the sacrifice of their corrupt instruments. James was so solicitous to clear himself from any imputation of blame, that, during the course of the enquiries, he came to the house of Lords, and made use of the strongest terms to profess his innocence *, and desire of justice on the delin-

gainst the lord-chancellor, Dr. Field, the bishop of Landaff, was accused of brocage, in a bribe intended for the chancellor. *Parl. Hist.* vol. V. p. 351, & seq.

* The houses had been told, that he had done nothing in these cases without having referred the same to several judges for the point of law, and to divers lords for the point of commodity. These were the lord-chancellor, three of the judges, and serjeant Finch.

In the speeches he made on this occasion he said, "That if the enormities complained of had been laid before him, he would have punished the delinquents as severely out of parliament, and peradventure more than the parliament intended to punish them." He told the house, "That he believed their body had bribed his son to do good offices for them." And added, "The like I may say of one that sits there---Buckingham; He hath been so ready upon all occasions to do good offices both for the house in general, and every member thereof in particular."

James, among others of these kind of cajolements, praised much the intention of a bill against informers. "Such a bill, said he, will be the greatest ease, both to me and all those who are near about me at court, that may be; for I remember that since the beginning of this parliament Buckingham hath told me, He never found such quiet and rest as in this time of parliament, from projectors and informers, who, at other times, miserably vexed him at all hours." He told the Lords, "That he acknowledged their house to be the

quents. Thus encouraged, the Lords proceeded with zeal. An accusation, of four-and-twenty articles of bribery, was brought into their house by the Commons against the chancellor. This unfortunate tool of government was even obliged to abandon his defence. The King would not hazard his appearing to plead his cause. An ample confession of the whole charge, with some trifling extenuations, was signed by him, with an humble petition for a favorable sentence*. Thus ignominious was the fall of the famous Bacon, despicable in all the active part of life, and only glorious in the contemplative. Him the rays of science served but to embellish, not enlighten; and philosophy herself was degraded by a conjunction with his mean soul†. He did not survive, above five years, this public disgrace. We are told he often la-

Anno 1620.

Bacon's fall.

Parl. Hist.

Anno 1621.

the supreme court of justice, in which he was ever present by representation; that he could not give them a greater assurance nor better pledge of his purpose, than by the honor he had done them of placing his only son among them." *Parl. Hist.*

* One of the articles of his charge is to this purpose: The vintners in London refused to give above a certain price for wine; the merchants complained to the council; the King made a reference to the chancellor; the chancellor ordered the vintners to give the price demanded, and imprisoned two or three of the most obstinate, till they complied. For his pains he received a present of one thousand pounds.

"It may seem to us remarkable, says an ingenious writer, that Bacon was not accused for arbitrary proceedings, but for corruption." *Bacon's Submission. State Trials*, 2d edit. vol. I. p. 364.

† During the time he had the seals, he received a number of letters from Buckingham in favor of different people who had causes depending in Chancery. There is great reason to believe that every one of these mandates was implicitly obeyed by the submissive chancellor. These letters are in a late collection published by Dr. Birch.

mented

Anno 1621.

mented that ambition and false glory had diverted him from spending his whole time in the manner worthy of his extensive genius; but there is too much reason to believe, from his conduct, that these sentiments arose from the weight of his mortifications, and not from the conviction of his judgment. He preferred many mean supplications to James, and continued to flatter him so far, as to paint his grandfather, Henry VII. * in an amiable light. This management obtained the pardon of his whole sentence, which was, A fine of forty thousand pounds, imprisonment in the Tower during the King's pleasure, to be for ever incapable of any office, place, or employment in the commonwealth, and never to sit again in parliament, or come within the verge of the court. Besides the favor of a pardon, he retained a nominal pension of eighteen hundred pounds a-year; but through the deficiency of its payment he languished out the remainder of his life in indigent circumstances †. It is needless for an historian to describe the strength or extent of his genius; his

* James idolized the character of this monarch, and affected to resemble him. It was at his desire Bacon undertook this work.

† It appears from Letters, &c. published by Dr. Birch, that James made a kind of promise that Bacon's fortune should not be affected by his disgrace. This promise was so ill kept, that, in a letter of Bacon's to the King (in the same collection), he complains, that the pension of eighteen hundred a year, which he had enjoyed during his prosperity, was stopt, and that there were eight hundred pounds in arrears due upon it. Among the many petitions he preferred to Buckingham for a subsistence, he descended to ask the provostship of Eaton school, and was denied. York-house and his manor of Gorhambury were sold to pay his debts, and himself reduced to take up with a lodging in Gray's-Inn, which he inhabited while he was a practical lawyer.

precious

precious bequests to posterity paint them stronger than can any other pen. Anno 1621.

Williams received the advantage of the counsel which was so fatal to Bacon: Buckingham, having no other creature in whose understanding and compliance he could so thoroughly confide, deposited the seals in his hands, with the title of lord-keeper instead of lord-chancellor; this office so nominated being held at the King's pleasure*. The delinquents of an inferior order met with a punishment no less severe than Bacon's. Sir Giles Mompeyson was degraded from the order of knighthood, ordained to stand perpetually in the degree of a person outlawed, his testimony to be received in no court, to be excepted out of all pardons hereafter to be granted, to be imprisoned during life, not to approach within twelve miles of the courts of the King and prince, nor of the King's high courts usually holden at Westminster, his lands for life to be forfeited to the King, to undergo fine and ransom at ten thousand pounds, to be disabled to hold any office in the commonwealth, and, lastly, to be ever held an infamous person†. Sir

Hacket's
Life of
Williams.

Parl. Hist.
vol. V. p.
385.

* This important alteration, with the giving the seals to a churchman, not bred in the knowledge of the laws, and the doctrine of whose profession taught him implicit obedience to the throne, fully demonstrate an intention in James to subject the civil jurisdiction to royal caprice. All the precedents of bestowing this place to other than a lawyer, happened in times when the common law of England was neither so full nor so well established as it was at this period.

† Though Sir Edward Coke had quoted many precedents to prove that the lower house had in itself the power of punishment, and that judicial, yet the Commons for the present waved this pretension, and yielded the point of sentence to the Lords. Moreover, it had been ordered, that whatsoever should be delivered by Sir Edward Coke should be concealed,

Anno 1621. Francis Mitchel, a necessitous justice of the peace, was found to be concerned in some of the oppressive patents: His sentence was degradation, imprisonment during the King's pleasure, a fine of one thousand pounds, and to be disabled from holding any office under the King or commonwealth*.

Sir Henry Yelverton, who was at this time a prisoner in the Tower, from a sentence of the Star-chamber, for having enlarged a charter given to the city of London beyond the King's warrant, was accused in this business of illegal grants.

ceased, upon pain of censure, till the conference with that house was past.

The Lords had requested that those members who were the accusers of Sir Giles Mompeffon should be put upon oath. A long debate ensued upon this demand, in which many strong arguments were urged by Sir Edward Coke, Mr. Glanville, Mr. Noye, and others, that it would be against the honor of the house to yield this point to the Lords. An apprehension lest a dispute at this critical time should frustrate the desired condemnation, determined the result to be a compliance with the request of the upper house. Mr. Noye moved it should be entered, "It was so ordered by the motion of the parties themselves who were to be sworn, with a protestation hereupon on the message, and for that the cause is of an extraordinary nature, and that they cannot judge of it there, as we here, because we had Sir Giles Mompeffon present, they have not."

* The manner of his degradation was as follows: He was brought by the sheriffs of London to Westminster-hall; then followed the commissioners for the office of earl-marshal; Sir Francis Mitchel was brought before these, and his sentence read by a pursuivant: his spurs were hacked in pieces by the servants of the commissioners, and thrown away; his silver sword was taken from his side, broke over his head, and flung away; then he was pronounced no longer to be a knight, but a knave.

This wretch was imprisoned in the goal at Finsbury-fields, in the same chamber which he had provided for others; the place of his imprisonment was part of his sentence. *Cambden's Annals.*

He

He had obtained the office of attorney-general by the means of Somerset; his adherence to his patron had rendered him the object of Buckingham's aversion, who had actually stirred up the prosecution against him, and had assumed so insolent a carriage, even on his first favor from James, as to make use of this scoffing expression, "That he would make Yelverton the poorest attorney in England." From a continuation of the same animosity, James was incited to propose to the Lords to give up his prisoner to the rigor of their judgment. Yelverton was brought to their bar, and pleaded his cause, though not to the clearing of his own character, yet much to the disreputation of James and his favorite: He shewed the necessity he lay under either of losing his bread, or of obeying all their illegal injunctions*. James

Cabala

* "My most noble lords, said he, knowing that my lord of Buckingham was ever at his majesty's hand, ready, upon every occasion, to hew me down, out of the honest fear of a servant, not to offend so gracious a master as his majesty hath ever been to me, I did commit them, viz. the silkmen.

"As to the patent of inns, I cannot but herein bemoan my unhappiness, that in the last cause laboring by all means to advance the profit of his majesty, and in this, with the sight almost of my own ruin, to preserve his majesty's honor and the quiet of the people, I am yet drawn in question, as if I had equally dishonored his majesty in both.

"When Sir Giles saw I would not be moved to offend his majesty by his directions, I received a message from Mr. Emerson, sent me by Sir Giles, that I would run myself upon the rocks, and that I should not hold my place long, if I did thus withstand the patent of inns, or to that effect. Soon after came Sir Giles himself, and like a herald at arms told me, That he had this message to acquaint me with from my lord of Buckingham, that I should not hold my place a month if I did not conform myself in a better manner to the patent of inns, for my lord had obtained it by favor, and would maintain it by his power.

Anno 1621. was so nettled at this unexpected attack, that he chid the Lords for having questioned Yelverton on points foreign to the direct accusation, and demanded satisfaction for the slander thrown by Yelverton upon himself and favorite *. The Lords implicitly obeyed the intention of the King's command; and Yelverton, for the dar-

“ How could I but startle at this passage? I saw here was a great assuming of power to himself, to place or displace an officer at his pleasure: I saw myself cast upon two main rocks, either treacherously to forsake the standing his majesty had set me on, or else to endanger myself by a by-blow, and to hazard my fortune.

“ I humbly beseech your lordships to think, that Nature will struggle when she sees her place and means of living thus assaulted; for now it was come to this, Whether I would obey his majesty or my lord, if Sir Giles spoke true: Yet I resolved on this, to be as stubborn as Mordecai, not to stoop, or pass those gracious bounds his majesty had prescribed to me.

“ Soon after I found the message, in part, made good; for all the profits, almost, of my place were diverted from me, and turned into an unusual channel, to one of my lord's worthies, that I retained little more than the name of an attorney: It was so fatal and so penal, that it became almost the loss of a suit to come to me; my place was but as the seat of winds and tempests.

“ Howbeit, I dare say, if my lord of Buckingham had read the articles exhibited in this place against Hugh Denfense; and had known the danger of placing and displacing officers about a King, he would not have pursued me with such bitterness. But, my opposing his lordship in the patent of inns, in the patent of alehouses, in the Irish customs, and in Sir Robert Naunton's deputation of his place in the court of Wards, have been my overthrow. For these I suffer at this day in my estate and fortune (not meaning to say as I take it, but as I know for my opposition to his lordship) above twenty thousand pounds.” *Parl. Hist.* vol. V. p. 436, & seq.

* After Yelverton's first examination, James wanted to take the cognizance of the cause himself. The Lords disputed this point, and James gave it up, but with many cautions of the following sort, That the Lords knowing they enjoyed

ing truths he had uttered, was fined to the King ten thousand marks, confined to the Tower during pleasure, to make a submission and acknowledgment of his fault at the bar, in the King's presence, or in his absence, at the King's pleasure; he was fined five thousand marks to the marquis of Buckingham, and to make submission. This judgment being given, Buckingham, either out of compunction or ostentation, remitted the five thousand marks, for which he received Yelverton's thanks in the house. The Lords agreed to move the King to mitigate the large fine, and the prince of Wales, who was present *, offered to undertake that office. Thus far the King and both houses went on with the utmost unanimity; but the King now began to grow extremely jealous of those sharers in his authority, and looked upon the sacrifices he had already made as sufficient to deserve an ample reward.

The Commons, though they were willing to seize on every opportunity to render even minute services to their country, yet regarded the concessions which had been made them as trifling in comparison to the corrupt measures which still existed, and which looked with a threatening aspect on the interest and laws of their country, and the religion they were devoted to. To an address they had made the King, not to suffer a large parcel of ordnance, which lay yet on the

enjoyed their honors from him, and under him, he doubted not but they would be tender of his honor. *Parl. Hist.* vol. V. p. 431, & seq.

* The prince of Wales, by the special appointment of the King, had been present during all the transactions of this session. Under the guise of a compliment, he was placed in this house to over-awe the popular lords.

Anno 1621. quay, to be transported to Spain, they received no farther satisfaction, than that the King was assured from his brother monarch that these arms were not to be used against the Palatinate.

Lloyd severely punished.

The speech uttered from the throne at the beginning of the session left them no room to hope, that the King had dropped the unpopular and mischievous treaty with the court of Spain; but rather confirmed them in the assurance that his blindness and obstinacy were proof both against the arguments of reason, and the stronger pleadings of natural affection. Considerations like these made them espouse the cause of the Palatine-family with a zeal which descended to a captious minuteness. One Edward Lloyd, a Papist, in talking of the king and queen of Bohemia, had made use of the scoffing terms of Good-man and Good-wife Palsgrave. Trifling as was this charge, and weakly supported, Lloyd was brought upon his knees, and the whole house fell into a debate, in which there was a strife among the members who should propose the severest punishment. After vehement altercations, it was resolved, that Lloyd should be thrown into a dungeon, be three times pilloried, ride through London with his face to the tail of the horse, holding the tail in his hand, and a paper in his hat denoting his offence, and that he should be fined one thousand pounds.

The Lords took fire at this encroachment, as they termed it, of the Commons, and the King, who was much displeased with these enlarged pretensions, sent an interposing message, in which he thanked the Commons for the concern they had expressed for his family, but desired them to stay proceedings till they had answered these queries:

queries : Whether the power of their house extended to examine and punish those who were not members of it ? Whether a party denying, as Lloyd did, ought to be censured without an accusation upon oath ? The Commons made some attempts to get over these objections. It was urged, that the two houses having been formerly in one, and separating only for conveniency, the house of Commons retained all the power of the house of Lords. Others were for making this case a precedent. But, after many conferences between the two houses, the Commons dropped their claim, and the judgment was referred to the Lords, who added to the severe sentence of the Commons, whipping, branding, and perpetual imprisonment *. Thus did an indiscreet zeal hurry on the patrons of Liberty to an infringement of its sacred laws, by a judgment no less arbitrary than severe.

On the conclusion of this affair, the following protestation was drawn up in the name of both houses : “ That the proceedings passed in the house of Commons against Edward Lloyd be not at any time hereafter drawn or used as a precedent to the enlarging or diminishing the lawful rights or privileges of either house ; but that the rights and privileges of both houses shall remain in the self-same plight as before.”

The harmony which had till now appeared to Parl. Hist. subsist between the three states, was entirely dissolved. James was so disgusted with the high

* This Lloyd, thus ignominiously treated, was a man of education, and possessed of a good estate, a lawyer, and a justice of peace in the county of Salop. Immediately after this severe sentence was passed upon him, a bill went through both houses for exempting the gentry of this realm from the servile punishment of whipping.

Anno 1621. claims of the Commons, that he could no longer suffer their sitting: The intention of an adjournment was mentioned in the house by secretary Calvert. The Commons looked on it to be an expedient to evade passing the bills then depending before them for the redress of grievances, and were so inflamed by the apprehension, that they disputed the King's privilege of adjourning the parliament, and invited the Lords to join in a petition against it; the Lords acted in their usual manner; the King thanked them for having refused to concur in the insolent carriage of the Commons, and added, "That if they thought it necessary, he would gratify them with a farther sitting for eight or ten days, but he would not now yield to the request of the lower house." The Lords obtained this delay to be lengthened to a fortnight longer, but the Commons refused the offer, as the time was too short to complete their business, and continued to draw up petitions of grievances*. They were presented to the King by the archbishop of Canterbury, who performed his part with the spirit of true patriotism. James received these petitions with such distaste that the Commons found they had no time to lose, and in all haste drew up a declaration which testified their willingness,

*. One of these grievances was the transportation of ordnance. Sir Thomas Roe had told the house, that an hundred guns lying yet on the quays were to be sent to Portugal, and there to be mounted on twelve ships, which were to be employed against the English in the East-Indies. The Commons immediately deputed a select body to move the King to stay the ordnance. To this petition he returned answer, "That he had assurances from the king of Spain, that they should only be converted against pirates; that he had lately made a new promise, but would, for the time to come, pass a bill to restrain any more transportation."

upon a proper signification of the King's pleasure in parliament, to give all necessary assistance towards the recovery of the Palatinate. The King's commission for an adjournment now came down to the house; the popular members opposed reading it; but the obedient speaker * Parliament adjourned. 4 June. pronounced, according to the commission, the house to be adjourned till the fourteenth of November †.

The lesser nobility were greatly offended at the multitude of lately-created Scotch and Irish earls and viscounts, to whose titular distinction they were obliged to yield precedence, though they were not peers of England. Thirty-three noblemen preferred a petition to the King, in which they desired to be excused from yielding this point in the common ceremonies of society. During the recess of parliament a cajoling proclamation declared, that the abuses complained of should be redressed by regal authority, that the assistance of parliament was not necessary to reform them, and that they would have been re-

* Serjeant Richardson was speaker. He had received a censure from the house for his irregular behavior in leaving the chair when the conduct of any of the state-officers was called in question, or mentioned in a manner which was disagreeable to the court. *Guthrie*, p. 754.

† Immediately preceding the adjournment of the two houses, the offence which Dr. Feild, the bishop of Landaff, had committed, was examined in the house of Lords. He was found guilty of a designed brocade in bribery. Neile, bishop of Durham, moved, "That since there was nothing proved against Dr. Feild but an intent, that the consideration of it should be referred to the archbishop of Canterbury, and he to give the bishop an admonition in the convocation-house." The Lords agreed to this motion, and sent a message to the lower house concerning the nature of the misdemeanor which had been proved against Dr. Feild. *Parl. Hist.* vol. V. p. 450, &c.

Anno 1621. formed before if they had been known. · Lastly, the subjects were assured, that both the King's ears, and those of his privy-council, would be open to their modest and just complaints. Another followed this, which forbid the conversing upon state-affairs, and threatened severe penalties both against the concealers and utterers of these speeches.

Re-meeting
of parlia-
ment.

The parliament, after a second adjournment, re-assembled on the eighth of February. The lord Digby, who had been travelling all over Germany, to persuade the emperor and his partisans to give up the advantages they had gained by their late victories, gave the parliament so full an account of his fruitless negotiations, that there remained no covering to hide the folly of James's conduct, or the gross impositions to which his fond credulity had subjected him. Stung by these informations, the Commons drew up a petition and remonstrance which expressed their sense of his trifling management, set forth the causes of the increasing hopes of the Popish party, the fears and apprehensions of the Protestants, and pointed out the remedies for these growing evils. The Commons, in this remonstrance, freely represented all James's unpopular management with Papists, both at home and abroad, offered their advice that a war should be immediately declared and entered upon, and the King's son married to a Protestant princess.

It would be difficult to describe James's extreme indignation on hearing the subject of this remonstrance; all the tender points of prerogative, of which he was so highly tenacious, were here sensibly affected; and a formal attack upon an alliance which was the ultimate object of his hopes

hopes and inclinations. Inflamed by such stinging provocations, he assumed a courage foreign to his nature, and ventured to bully the Commons in this fiery letter to the speaker. “ We have heard by divers reports, to our great grief, that our distance from the houses of parliament, caused by our indisposition* of health, hath emboldened some fiery and popular spirits of some of the house of Commons, to argue and debate publicly matters far above their reach and capacity, tending to our high dishonor, and breach of prerogative-royal. These are therefore to command you to make known, in our name, unto the house, that none therein shall presume henceforth to meddle with any thing concerning our government, or deep matters of state; and namely, not to deal with our dearest son’s match with the daughter of Spain, nor to touch the honor of that king, or any other our friends and confederates; and also not to meddle with any man’s particulars, which have their due motion in our courts of justice. And whereas we hear they have sent a message to Sir Edwin Sandys, to know the reason of his late restraint, you shall in our name resolve them, that it was not for any misdemeanor of his in parliament; but, to put them out of doubt of any question of that nature which may arise among them hereafter, you shall resolve them in our name, that we think ourselves very free and able to punish any man’s misdemeanors in parliament, as well during their sitting as after, which we mean not to spare hereafter upon any occasion of any man’s insolent behavior there, which shall be ministred unto us;

* The King was now at Newmarket, on the pretence of sickness. *Wilson.*

Anno 1621. and if they have already touched any of these points which we have here forbidden, in any petition of theirs which is to be sent unto us, it is our pleasure that you shall tell them, that except they reform it, before it comes to our hands, we will not deign the hearing or answering it."

This letter was received and answered by the Commons, with a calmness and steadiness which sufficiently expressed the knowledge of their own strength and dignity, and the contemptible light in which they viewed their antagonist. They sent back for their former remonstrance, but returned it with another which vindicated their just pretensions, and expressed a sorrow for James's mis-interpretations. To these James returned a copious answer*, in which the in-

* Among other curious passages in this answer are the following, on the subjects of religion, the king of Spain, and the prince's match.

" But because we conceive that ye couple this war of the Palatinate with the cause of religion, we must a little unfold your eyes herein. The beginning of this miserable war, which hath set all Christendom on fire, was not for religion, but only caused by our son-in-law's hasty and harsh resolution, following evil counsel, to take to himself the crown of Bohemia; and that this is true, himself wrote letters unto us at that time, desiring us to give assurance both to the French king and state of Venice, that his accepting of the crown of Bohemia had no reference to the cause of religion, but only by reason of his right of election, as he called it; and we would be sorry that such aspersion should come upon our religion as to make it a good pretext for dethroning of kings, and usurping their crowns; and we would be loth that our people here should be taught that strange doctrine: No, let us not so far wrong the Jesuits as to rob them of their sweet positions and practices in that very point. And whereas you excuse your touching upon the king of Spain upon occasion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honor, we cannot wonder enough that ye are so forgetful both of your words

dignant monarch denounced war against all the claims of the Commons, and exposed his own illegal view of government. "The difference is no greater, says he, in your pretending to advise us on our exposing our reasons for demanding a supply, than if a merchant, that we had great need to borrow money from him for raising an army, that thereupon it would follow that we were bound to pursue his advice in the direction of the war, and all things depending thereupon." The whole of this answer breathes the same spirit of despotism as may be found in this example. It finishes in the following extraordinary manner: "And though we cannot allow of your style in mentioning your antient and undoubted right and inheritance, but could rather have wished that ye had said, that your privileges were derived from the grace and permission of our

words and wits: for in your former petition ye plainly affirm, that he affects the temporal monarchy of the whole earth, than which there can be no more malice uttered against any great king, to make all other princes and potentates both envy and hate him; but if ye list, it may easily be tried whether that speech touched him in honor or not, if ye shall ask him the question, Whether he means to assume to himself that title or no? for every king can best judge of his own honor. We omit the particular ejaculations of some foul-mouthed orators in your own house against the honor of that king's crown and estate.

"And touching your excuse of not determining any thing concerning the match of our dearest son, but only to tell your opinion, and lay it down at our feet; first, we desire to know how you could have presumed to determine in that point, without committing of high treason; and next, you cannot deny but your talking of his match after that manner was a direct breach of our commandment and declaration out of our own mouth, where we plainly professed, that we were in treaty of his match with Spain, and wished you to have that confidence in our religion and wisdom, that we would so manage it as our religion should receive no prejudice by it. *Parl. Hist.* vol. V. p. 497, & seq.

ancestors

Anno 1621. ancestors and us (for most of them grow from precedents, which shews rather a toleration than inheritance) yet we are pleased to give you our royal assurance, that as long as you contain yourselves within the limits of your duty, we will be as careful to maintain and preserve your lawful liberties and privileges as any of our predecessors were, nay, as to preserve our own royal prerogative; so as your house shall only have need to beware to trench upon the prerogatives of the crown, which would enforce us, or any just king, to retrench them of their privileges who would pare his prerogative and flowers of his crown." Williams advised, that the harshness of this answer should be mitigated with a letter from the King to the two houses. James, finding that the Commons were determined not to enter on business, followed the advice in some measure, and wrote again to the speaker and secretary Calvert, offering to oblige the Commons with the grant of a request they had made for a general pardon; this second letter still insisting that the liberty of the houses was derived from royal favor. The Commons, before they were dissolved, entered this protestation in vindication of their parliamentary rights:

"The Commons now assembled in parliament, justly occasioned thereunto concerning fundry liberties, franchises, and privileges of parliament, amongst others here mentioned, do make this protestation following:

Protestation
of the Com-
mons.

"That the liberties, franchises, privileges, and jurisdictions of parliament, are the antient and undoubted birth-right and inheritance of the subjects of England, and that the arduous and urgent affairs concerning the King, state, and defence of the realm, and of the church of England,

England, and the maintenance and making laws, and redress of grievances which daily happen within this realm, are proper subjects and matter of council or debate in parliament, and that in the handling and proceeding of these businesses every member of the house of parliament hath, and of right ought to have freedom of speech, to propound, treat, and bring to conclusion the same; and that the Commons in parliament have like liberty to treat of these matters in such order as in their judgment shall seem fittest; and that every member of the said house hath like freedom from all impeachment, imprisonment, and molestation, other than by sentence of the house itself, for or concerning any speaking, reasoning, or declaring, any matter or matters touching the parliament or parliament-business; and that if any of the said members be complained of and questioned for any thing done or said in parliament, the same is to be shewn to the King by the advice and assent of all the Commons assembled in parliament, before the King give credence to any private information *."

* The following spirited arguments had been urged in the house for drawing up this declaration.

Mr. Crew. Our inheritance not matter of grace nor toleration; this of that importance to us, that if we should yield our liberty to be but matter of grace, these walls, which have known the holding them these many years, would blush. Magna Charta, above thirty times confirmed, confirmeth all our liberties; this, but the confirmation of the common law.

Sir Ed. Coke. The law of England is the subject's best birth-right, because it defendeth all he hath. Magna Charta is nominated *Charta Libertatis*, because it maketh free men; our privileges *in summo gradu*, our privileges here are the mother and nurse of all good laws—the centre of great men—the reforming of grievances.

Mr.

Anno 1621.

Dissolution
of parlia-
ment.

This protestation was by the King himself struck out of the journal-book, and the parliament was afterwards dissolved by a proclamation, which set forth, "That the King was constrained to this act by the undutiful behavior of the lower house*." This premature end of the parliament lost all the bills then depending for the good of the subject †.

Sir John Bennet, a judge of the prerogative-court at Canterbury, who had been impeached by the Commons for bribery and corruption, and bound to appearance for the large sum of nineteen thousand pounds, by this means escaped the punishment his misdemeanors deserved.

Among the many motions which were made this session, one of Buckingham's related to an academy for bringing up the nobility and gentry of this kingdom. Though this was introduced in the very midst of the enquiries after bribery and corruption, the house had the compliance

Mr. Glanville. The King is to have the honor of a request for enjoying our privileges, but hath not the power of a refusal. *Journ. of the Commons*, vol. I. p. 665, & seq.

* One of the charges against the Commons in this proclamation is for speaking disrespectfully of foreign princes: "Howbeit, we are all well satisfied of the good inclination of most part of our house of Commons, testified by their ready assent to the speedy payment of a subsidy newly to be granted; yet, upon this occasion, some particular members of that house took such inordinate liberty, not only to treat of our high prerogatives, and of sundry things, which, without our special direction, were no fit subjects to be treated of in parliament; but also, to speak with less respect of foreign princes our allies, than was fit for any subject to do of any anointed king, though in enmity and hostility with us." *Parl. Hist.* vol. V. p. 521.

† The only acts which passed this session were three entire subsidies granted by the spirituality, and two entire subsidies granted by the temporality. *Vide Statutes at Large.*

to approve of the motion, and adjourned itself Anno 1621. that the matter might be discussed. Another material point took up much time, and occasioned a long debate, at the same important crisis; viz. How to give equality of precedence to the two universities, in the subsidy-bill granted by the laity. On a debate in the committee of the upper house on the customs and privileges of the peers, the opinion of two judges who were appointed to attend the committee was asked; they refused to give an opinion, because the matter proposed touched the King's prerogative: This refusal was very displeasing to the Lords; they ordered that both the judges should attend the house to answer the affair. A bill passed both houses for confirming an hospital endowed by Thomas Sutton, with a large estate of eight thousand a-year, besides thirteen thousand pounds paid to the earl of Suffolk for the Charter-house, and ten thousand pounds laid out on the building. This foundation was for eighty decayed gentlemen and forty boys. It retains the name of the Charter-house to this day.

Mr. Shepperd, a young member of parliament, had given so great an offence by opposing, in an intemperate manner, a bill for the better observing the Lord's Day, that he was expelled the house.

C H A P. VII.

Distressed state of the Protestants.—Unjust treatment of Sir Edw. Coke.—Imprisonment of several members of parliament, and others.—Transfer of the electoral dignity from prince Frederic to the duke of Bavaria.—Negociations with Spain.—Prince of Wales's journey to Madrid.—Transactions during the prince's stay at Madrid.—His return to England.

Anno 1621.
Distressed
state of the
Protestants.

THE present distressed state of the Protestants throughout all Christendom, excited a great degree of fearful apprehension, from the abrupt dissolution of the last parliament. In Germany, the conquests of the Catholics were marked with the most bloody acts of cruelty and tyranny. The executions which were daily practised among the wretched Bohemians, with the distresses of the unfortunate Palatine, deterred their ecclesiastical brethren from attempting any opposition to the formidable designs of the house of Austria. The Protestants in France were in as hopeless a situation: These had been promised assistance from James, and basely deserted; they were now overwhelmed by the united parties of the Catholics with the queen-mother and her son at their head. All their strong towns were at this time besieged or taken. The Catholic cause began even to revive in England; its votaries not only aspired to a toleration, but to an enjoyment of equal privileges with the established church. These were not the dreams of sanguine zealots, but founded on rational hopes drawn from the approaching union of the court of England with the house of Austria. The well-ground-

ed

ed fears and resentment which this state of affairs excited in the minds of the British subjects, had been legally expressed by their representatives in parliament; but the insolent and violent carriage it occasioned in their sovereign left them no room to hope that his fatal prejudices would admit of cure. To the dangerous system he had adopted, and steadily adhered to, might be attributed, though from a remote influence, that ruin which threatened all the reformed, and the oppression to which many of them were at present subjected.

Emancipated from the restraint of parliament, James was at full liberty to pursue his plan of negotiation, and settle the affairs of Europe, by the importance of his character, and the splendor of his embassies: But that they had as yet produced little effect in favor of the forsaken king of Bohemia, a letter written at this time, from the emperor to Don Balthazar de Zuniga, will shew. The emperor magnifies his own victories, and the distressed state of the Calvinists, with their chief the elector Palatine; "Whom if, by an impious kind of commiseration (writes he) I shall restore, and nourish in my bosom, as a trodden half-living snake, what can I expect less than a deadly sting from him, who, in regard of his guilt, can never be faithful, but will always gape for an occasion to free himself from his fears; and the genius of whose sect will make him an enemy, or an unsound friend, to the house of Austria."

Several members of parliament, who had shewn themselves the most forward in the cause of Religion and Liberty, were committed to prison. Sir Edward Coke, whose generous temper could not long endure the servility of court-dependance, was of this number. The measure

Unjust treat-
ment of Sir
Edw. Coke.

Anno 1621. he suffered of unjust persecution was made up to him by an increase of reputation; indeed his abilities never before shone in a light so conspicuously admirable. The drudging lawyer, animated by the brightness of his cause, improved into the persuasive orator: His talents were at this time so remarkable, that it is alledged, the succeeding patriots made his harangues their models of elocution. Such was the malice of offended royalty, and such the infamy of its tools, that two wretches, named Lepton and Goldsmith, were instigated by Bacon, the late chancellor, to charge Coke with eleven articles of misbehavior as a judge and a lawyer. These facts were judged by the house to be false and frivolous, nor could they be proved in the Star-chamber, where Coke was persecuted with great acrimony. His papers were seized after the dissolution of the parliament, himself denied the satisfaction of conversing with his wife or children, and the talk of the courtiers was that his life might be affected *. Sir Robert Philips, Pym, Selden, and Mallory, were of the number of committed members. Sir Dudley Diggs, Sir Thomas Crew, Sir Nathaniel Rich, Sir James Perrot, were sent on frivolous errands into Ireland; Sir Peter Hayman and others into the Palatinate. The court at this time assumed the power of employing any man, even without his consent, in any branch of public business. The earls of Oxford and Southampton, Sir Edward

Members
imprisoned.

* The council debating about the general pardon which was to have passed the last parliament, had considered about the ways of excluding Sir Edward Coke from that benefit, either by preferring a bill against him before the publication of the pardon, or by excepting him by name. *Parl. Hist.* vol. V. p. 525.

Hawley, Sir George Leeds, Sir Christopher Nevil, and Sutcliff, dean of Exeter, were taken into custody for writing with freedom against the Spanish match. The public was deprived of the services of Sir John Saville, knight of the shire for the county of York, by a different method: he was made comptroller of the household, a privy-counsellor, and afterwards a baron. This was the first instance of that practice of buying off individuals, which, in the hands of succeeding monarchs, has silently and surely effected what James and his son in vain attempted by clamor and violence.

Anno 1622.
Rushworth.

On the decease of Philip III. of Spain, which happened in the year 1621, the lord Digby was sent to the court of Philip IV. to renew and conclude the treaty of marriage between the infanta his sister and the prince of Wales. It was at this time in so little forwardness, that letters passed between Philip and Olivares, his prime minister, which utterly disclaimed such an intention. That of Philip is so pertinent and concise that I shall give the whole: "The king my father declared at his death, that his intent never was to marry my sister, the infanta Donna Maria, with the prince of Wales, which your uncle Don Balthazar understood, and so treated this match ever with intention to delay it. Notwithstanding it is now so far advanced, that, considering all the averfeness unto it of the infanta, it is time to divert the treaty, which I would have you find out, and I will make good whatsoever it be. But in all other things procure the satisfaction of the king of Great Britain, who hath deserved much, and it shall content me, so as it be not in the match."

Anno 1622.

Olivares, in his answer to this letter, acknowledges that the ministers who treated of the match never meant to effect it, but, by enlarging the treaties, to make use of the friendship of the king of Great Britain in the affairs of Germany and Flanders. He proposes a double marriage with the emperor's eldest daughter to the prince of Wales, and the second daughter to the elector Palatine's son, as a means to satisfy James, and compose the differences in Germany. Things being in this state, it is no wonder that Digby did not meet with that magnificent reception which an ambassador, coming on so friendly, and so seemingly approved an errand, might have expected. He was suffered to stay two or three days at a poor village near the court, without having any civilities paid him, or even necessaries provided for him.

Negotiations
at Brussels,

About this time a kind of negotiation was carried on at Brussels, under the authority of the archduchess, whom the emperor had pretended to have vested with sufficient powers to treat with James concerning the terms of his son-in-law's re-establishment. The terms offered by James were,

That the king of Bohemia should, for himself and his son, renounce all pretence of right and claim to that crown :

That he should from henceforth yield all constant due devotion to the Imperial majesty, as did other obedient princes electors of the empire :

That he should crave pardon on his knees of the Imperial majesty :

That he should not hereafter, any manner of way, demean himself unsuitably towards the Imperial

Imperial majesty, nor disturb his kingdoms or Anno 1622. countries:

That he should, upon reasonable terms, reconcile himself to other princes and states of the empire; and that he should do whatever like thing should be judged reasonable and necessary.

Sir Richard Weston, a Papist, was trusted with the management of this business, as being more agreeable to the party. Moreover, to gain entirely the favor of the archduchess, James suffered four thousand men to be raised in England to serve against the Protestants in the Netherlands.

When the commissioners began to treat on the intended negotiation, it was objected, that James's ambassador could not produce sufficient powers from the king of Bohemia, and the archduchess was still to be directed by the court of Vienna; the whole business being only a specious pretext to impose farther on the credulity of James.

While this farce was acting at Brussels, the king of Bohemia, who had entertained no hopes on the result of James's measures, stole from the Hague, and joined Mansfeld's army in Alsatia. Christian, duke of Brunswick, and the marquis of Baden-Dourlach, each at the head of a strong force, declared themselves champions for the Protestant cause; the duke of Brunswick was possessed of the administratorship of Halberstadt, which he would have been in danger of losing, if the Austrian arms had made farther progress in Germany.

The ray of hope which now dawned upon Frederick's fortune was soon obscured: Prince Baden was defeated by the prince of Anhalt before he could join his allies; and Tilly, general to the duke

Anno 1622. of Bavaria, forced Mansfeild to retreat, and the duke of Brunswic to come to an engagement, in which he cut off all his infantry; the duke fled with his cavalry to Mansfeild. These accumulated misfortunes induced Frederick to obey James's reiterated injunctions of returning to Holland, there to wait the success of his negotiations. The first news that this unfortunate prince heard after his retreat was, that Tilly had taken Heidlebergh * by storm, and besieged Manheim, two towns in the Lower Palatinate. James had prematurely boasted that his son-in-law held that country under his protection †.

While affairs were in this desperate situation, the treaty still lingered at Brussels, it having been on purpose protracted till Tilly, who no longer met with opposition, had taken both Heidlebergh and Manheim. James was entirely satisfied with the Spanish monarch for having, at his desire, sent an order for Manheim to be spared, till a truce could be concluded. It is to be noted, that this interposition did not preserve Manheim, the order not having been sent till after it had surrendered. Notwithstanding this circumstance, James continued to repose such confidence in the candor and integrity of the Austrian family, that he put Frankendale, the only remaining town of

* The famous library at Heidlebergh was sent from thence to Rome.

† A truce for five weeks had been concluded between Spinola, general of the Spanish army in the Lower Palatinate, and Sir Horace Vere, who commanded the troops of the elector. The archduchess made James believe that the truce was granted to his solicitation: but the emperor's reason for consenting to it was, that he might have time to send forces into that province, in the room of those which Spinola was obliged to withdraw into Brabant, to over-awe the Dutch.

the Palatine's dominions, into the hands of the archduchess, to be re-surrendered at the expiration of a truce of eighteen months. One of the articles of the truce was, that the elector should renounce all connections with the prince of Brunswic and count Mansfeld.

Before the conclusion of the treaty, the emperor had transferred the dignity of elector Palatine to the duke of Bavaria *, and dismembered both the Palatinates, by distributing them in portions to the Catholic powers †. The elector of Saxony, and several princes, opposed this act, as contrary to the fundamental laws of the empire, which admit not of the disposing of an electorate without the consent of every member of the electoral college.

Transfer of
the electoral
dignity.

Whilst even Frederick's enemies murmured at the arbitrary severities practised against him, James ‡ was so little affected by them, that Gondemar wrote word to Spain, that he had lulled

* This was at the diet of Ratisbon. The Spanish ambassador seemingly opposed this transfer; all Europe regarded it as a collusion between the king of Spain and the emperor: Carleton, the English resident at the Hague, represented it in this light to Buckingham.

† The new elector was put in possession of all the Upper Palatinate, and that part of the Lower which is on the farthest side of the Rhine. To the king of Spain was given the rest of the Lower Palatinate, except the bailiarge of Germerheim and its dependencies, which were bestowed upon the archduke Leopold. William bishop of Straßburg, the landgrave of Darmstadt, had the bailiwicks of Unsburch and Umstadt; and the archbishop of Mentz regained the possession of what the Palatine held in the Berghstracht by mortgage from his bishopric.

‡ In one of the emperor's declarations against the elector and his adherents, he urged, that the revolt of the Bohemians had not even met with the approbation of the King of Great Britain. *Rushworth.*

Anno 1622. the King of England so fast asleep that he hoped neither the cries of his daughter nor her children, nor the repeated solicitations of his subjects in their behalf, should be able to awaken him.

Incongruous as were James's measures to obvious politics, both himself and cabinet plumed themselves much upon them; and, in order to take proper advantages of the lately concluded truce, and to obtain a confirmation of the marriage before its expiration, the king of Spain was gratified with an order to release all the Popish recusants, who had been imprisoned according to the dictates of the law †.

Rushworth. On a general offence taken at this unlimited indulgence, the lord-keeper Williams wrote a letter to the justices, to vindicate the King's conduct. "As the sun (said he) in the firmament appears to us no bigger than a platter, and the stars are but as so many nails in the pommel of a saddle, because of the enlargement and disproportion between our eye and the object, so is there such an unmeasurable distance between the deep resolution of a prince, and the shallow apprehensions of common and ordinary people."

† The number of these is mentioned in a letter of Serica, secretary of the Spanish king, to Mr. Cottington; they were no less than four thousand. The letter which the lord-keeper Williams wrote for the general enlargement of Popish recusants is as follows: "I am to give you to understand how his majesty's royal pleasure is, that upon receipt of these writs you shall make no niceness or difficulty to extend that his princely favor to all such Papists as you shall find prisoners in the goals of your circuits, for any church-recusancy whatsoever, or refusing the oath of supremacy, or dispersing Popish books, or hearing saying of mass, or any other point of recusancy which doth touch or concern religion only, and not matters of state." *Prynne's Necessary Introduction to the Archbishop of Canterbury his Trial*, fol. ed. 1646, p. 14.

He

He then declares that the King was at that time Anno 1622 a most zealous intercessor for some ease and refreshment to all the Protestants in Europe, which were unreasonable, if he did now execute the rigor of the laws against Roman Catholics. "But to conclude, said he, from the favor done to the English Papists, that the King favors the Romish religion is a composition of folly and malice, little deserved by a gracious prince, who, by word, writing, exercise of religion, and acts of parliament, hath shewed himself so resolved a Protestant."

About this time the following orders were given to restrain popular preachers:

That no preacher, of what title or denomination soever, from henceforth should presume, in any auditory within this kingdom, to declare, limit, or bound out, by way of positive doctrine, the power, prerogative, and jurisdiction of sovereigns, or otherwise meddle with matters of state, and the differences between princes and the people, than as they are instructed and precedent-ed in the homilies of obedience:

Restraint on
popular
preachers.

That no preacher, of what title or denomination soever, shall presume, causelessly or without invitation from the text, to fall into bitter invectives and indecent railing speeches against the persons of either Papists or Puritans.

Whether James began to despair of success from his pacific measures; or whether, more probably, he depended on the credulity of his subjects for the draining their purses, he demanded at this time a voluntary contribution for the recovery of the Palatinates by force of arms. Letters were written to the high-sheriffs and justices of the peace, to return the names of the contributors,

Anno 1622. contributors, that notice might be taken of those who refused.

While the people of England were thus amused with high language, letters of complaint were continually passing from the King and his minister to the court of Spain. They represented James's strong attachment to the Austrian family, notwithstanding the opposition he met with from the public spirit of the people, and the discouragement he had received from the collusion between their Imperial and Catholic majesties, to bubble and abuse him. They complained that, upon the faith of assurances received from Gondemar, the prisons were emptied of Popish recusants, and filled with Puritans, and the opposers of the match. They set forth James's merit with the house of Austria, in persuading his son-in-law to throw himself upon the mercy of the emperor; and that, according to that persuasion, count Mansfeild and the duke of Brunswick had received their dismissal; that himself, by the incitements of Spain, had broke with France; yet, notwithstanding these graces and concessions, even while he was receiving the strongest assurances of favor to his son-in-law from Madrid and Brussels, Heidlebergh had been sacked, and Manheim taken, though garrisoned by English troops.

Negotiations
with Spain.

No motive less considerable than the treaty in agitation could have excited James to confess himself the dupe to the king of Spain. This was not the only mortification which at this time assailed him: He began to apprehend that the purposed delays to which the conclusion of the treaty was subjected by its first article might be drawn on to infinity; stimulated by this fear, he sent

sent an agent to Rome to solicit from the pope proper authorities for completing the marriage. Anno 1622.

This step served but to expose his keeness for the alliance, and produced these additions to the already stipulated articles:

That the Roman Catholics should be allowed a public church in London, besides the infanta's private chapel; and that the minister of that church should be a bishop:

That the Popish ecclesiastics should be subject to the laws of their own superiors only:

That the children of the marriage should be educated by the mother; and that some farther propofals should be agreed to for the benefit of Popery.

To these exorbitant demands James returned this answer:

That he was willing to allow the infanta a public chapel, or rather a church, in which a bishop might officiate. To the second article he objected,

That there was no example of such an exemption for ecclesiastics, even in Popish states. To the third article,

That the children should be left, for a limited time to be fixed by the king of Spain, under the tuition of their mother. To the farther indulgencies for Popery he said,

That the articles of religion agreed upon between him and the late king of Spain were accounted so satisfactory, in the judgment of the most learned clergy in Spain, that they declared their opinion, that, upon the offer of such conditions, the pope ought not to withhold the dispensation*.

* Rushworth observes, that it appeared here that Spain had concealed from the pope some articles which James had already yielded to. *Rushworth*, vol. I. p. 66.

This

Anno 1622.

This answer was sent to Madrid, that it might not publicly appear the King treated with the court of Rome. The professions of Spain now grew stronger: Olivares declared, that if the emperor should refuse to restore Heidlebergh, or to condescend to such accommodation as should be adjudged reasonable, the King of Great Britain should be infallibly assisted with the arms of his Catholic majesty for restoring the Palatinate. The letters which Digby, now made earl of Bristol, wrote, were full of assurances of success.

Cabala.

Whilst this contract took up the whole attention of the court of England, the town of Bergen-op-Zoom, which had been besieged by Spinola, since the expiration of the truce between Holland and Spain, was relieved by the duke of Brunswic and count Mansfeild, who had joined prince Maurice, after their dismissal from the king of Bohemia's service.

Anno 1623.

On the reception of James's favorable answer, the alliance of the Stewart family with the house of Austria began, even at Madrid, to wear a serious aspect. The king of Spain and his ministers, who had hitherto made use of the treaty as a lure to induce the British monarch to connive at their practices in Germany, found the bait had been swallowed too eagerly to be easily disgorged: The articles of religion, which had been thrown in as plausible impediments, by the unexpected concessions of James, brought the affair to a crisis which could not end in a rupture of the treaty, without reflecting an equal share of infamy on the deceiver and deceived. An epistolary correspondence had been actually begun between James and the pope, who would have thought himself ill-treated if his authority had been used as a stale to serve the

the purposes of Spain, who was at present entangled in her own snares. Compunction of honor operated on Spanish counsels; or, what is more probable, they began to flatter themselves, that the conversion of Great Britain would be produced by this alliance, and the infanta numbered with the divinities in the Popish legends. Some or all of these motives influenced at present so strongly the measures of Philip and his ministry, that the arrival of the dispensation, which was expected from Rome in March or April, was to be followed in four days by a solemnization of the nuptials. The articles of the portion and jointure were already settled. Bristol wrote word, that he should soon bring into England the most accomplished princess in the world, with a portion of two millions.

This minister's prospects on the merit of having concluded this desired business, and the interest he had with a family which was on the eve of having an important influence on the court of England, excited in the breast of Buckingham sensations of jealousy; these, with the natural vanity of his disposition, fired him with a desire to introduce himself to the court of Spain. The sole possession of James's favor, who was at present old, and in decline, was no longer the ultimate object of his views. He had for some time studiously cultivated the prince's friendship, and possessed at this time such a degree of his confidence as to engage him in the romantic project of a journey to Madrid. The prince, though he was grave and sedate, had an amorous disposition; his reading, which had been chiefly romances, was as little calculated to instruct him in rational manners, as were his father's precepts and example in rational principles of religion
and

Anno 1623. and government. Thus biaſſed, it is no wonder that his youthful mind was inflamed by the fanciful arguments of Buckingham, who urged the adventure as a refined piece of gallantry, worthy an accomplished prince.

Clarendon,
ed. 1702.
vol. I. p. 11.
& ſeq.

The expedition having been agreed on between the two parties, on the firſt favorable opportunity, when James was a little elevated by his liquor, and a previous converſation on the expected arrival of the infant, an aſſent to their deſign was ſo importunately begged by the prince, and ſeconded by Buckingham, with arguments adapted to the King's inclination, that the eaſy monarch was at length prevailed on to give it. The argument urged on the occaſion was, that this piece of gallantry would be followed by the immediate reſtoration of the Palatinate, as a part of the payment of that vaſt obligation which the prince would lay on the infant by ſuch an unuſual compliment. When the King's promiſe had been thus obtained, he was farther urged for an aſſent, that they might put their deſign in immediate execution, without other attendants than two ſervants, who ſhould be kept in total ignorance till the moment of their departure.

On the firſt hour of ſolitude, James revolved in his mind the paſt conſultation: Innumerable difficulties preſented themſelves to his frightened imagination; his diſorder was ſo great when the prince and Buckingham returned to him for the diſpatch that he fell into a paſſion of tears, cried out he was undone, and that they would break his heart if they perſiſted in their reſolution. Then, with unuſual earneſtneſs, he ſet before them the evils which muſt attend the raſh enterprize; that beſides the inevitable hazard to which the prince's perſon would be expoſed, it muſt oc-
caſion

casion the entire loss of the peoples' affection to himself, and the ruin of the almost-completed match; that on the prince's arrival at Madrid the articles of the treaty would be laid aside, and new matter proposed which had not yet been mentioned, and could never be consented to by him. This and much more he said to the same purpose, conjuring them with sighs, and an increase of tears, that they would no more press him on a thing contrary to his understanding and interest. The suppliant monarch received no answer to the weighty reasons he had insisted on: The prince put him in mind of the promise he had made the day before; which, he added, was so sacred that he hoped he would not violate it; that if he did, he would never more think of marriage. Buckingham treated him with the utmost insolence; told him, that his word would never be again believed, after his retracting so soon what he had so solemnly promised; that he plainly discerned it proceeded from another breach of his word, in communicating with some rascal, who had furnished him with those pitiful reasons, but he doubted not that he should know hereafter who his counsellor had been; that his receding from his promise would be such a disobligation to the prince, that undoubtedly he would never forget it, or forgive the man who had been the cause of it. The importunity of the prince, and the roughness of Buckingham, entirely prevailed over the facile disposition of James, who, after having disclaimed, with many oaths, the having communicated the matter to any person living, gave them, a second time, a full leave to follow their inclination. It was agreed, that they should set out in two days, and that Sir Francis Cottington, the prince's

Anno 1623. prince's secretary, and Endymion Porter, one of his gentlemen of the bed-chamber, should attend them *. James, thinking it proper that the intention should be immediately communicated to them, that all things necessary to the journey might be prepared, sent for Sir Francis Cottington.

On his appearance he previously cautioned him concerning the trust he was going to repose in him; then said; "Cottington, here is baby Charles, and Stennie, have a mind to ride post to Spain, to fetch home the infanta; they will have but two more in their company, and have chosen you for one: What think you of the journey?" Cottington replied, "He could not think well of it, for he believed it would render fruitless all which had been hitherto done in the match." He then went on, representing the same obvious reasons which had already occurred to the King. On Cottington's discourse, the King, throwing himself upon a bed, in another passion of sighs, tears, and lamentations, exclaimed, "I told you this before; I am undone! I am undone! and shall lose baby Charles!" Anger and rage appeared in the countenances of the prince and Buckingham: The latter reproached Cottington with the utmost bitterness; told him, "That on being asked by the King which was the best way to make the journey, he had had the presumption to give his advice in matters of state, and against his master, without being called to it, which he should repent as long as he

* Cottington had been one of Cornwallis's clerks when he was James's resident in Spain; and Endymion Porter had been a menial servant to Buckingham's brother, from thence preferred to his service, and afterwards to be gentleman of the bed chamber to the prince. *Wilson*, p. 225.

lived." These threatenings put the King into Anno 1623. a new agony; who cried out, "Nay, by God, Stenie, you are very much to blame to use him so; he answered me directly to the question I asked him, and very honestly and wisely, and yet you know he said no more than I told you before he was called in." It now appeared plainly that the design came originally from Buckingham. James was obliged to yield to his importunity, and Cottington had directions given him for the journey.

To the great regret of the dejected king, the prince, with his adviser and his two attendants, Prince's journey to Madrid. set out from London on the twenty-seventh of February; they passed through France in disguise, and reached Madrid in the space of eleven days *. They had been guilty of the indiscre-

* James, who had now recovered his despondency, wrote the following curious letter to his son and favorite, eighteen days after their departure from England.

"My sweete boys, I wryte this now this sevint letre unto you upon the seventeenth of Mairche, sent in my shippe called the Adventure, to my two boys adventurers, qwhom God ever blesse; and now to begin with him, *à jove principium*, I have sent you, my babie, two of your chaplains fittest for this purpose, Mawe and Wren, together with all stufte and ornaments fitte for the service of God; I have fully instructed thaim, so as all thaire behavioure and service shall, I hoape, prove decent and agreeable to the puritie of the primitive church, and yet as neare the Romane forme as can lawfully be done, for itt hath ever been my way to goe with the church of Rome, *usque ad aras*. All the particulars hereof I remitte to the relation of youre before-named chaplens. I send you also youre robes of the order, qwhich you must not forgette to weare upon Saint Georges's day, and dine together in thaim, if they can come in time, qwhiche I pray God thaye maye, for it wille be a godlie sight for the Spaniardis to see my two boys dyne in thaim. I send you also the jewells I promised, both some of myne and such of youre, I meane bothe of you, as are worthy the sending, for my babie's presenting his mistresse.

Anno 1623. tion of venturing as spectators at a court-ball in France, where Charles had a view of the princess

I send him an old double crosse of Lorraine, not so riche as awncient, and yet not contemptible for the valew; a goodlie looking-glasse, with my picture in itt, to be hung att her girdle, qwhiche you must tell her ye have caused itt so to be enchawnted by airt magike, as whensoever shee shall be pleased to looke in itt she will see the fairest ladie that either her brother or youre father's dominions can affoorde; ye shall presente her with two faire long diamonts, set lyke an anker, and a faire pendante dyamont hanging at thaime; ye shall give her a goodly roape of pearles; ye shall give her a carquant or collar, threttein great ballas rubeis, and threttein knotes or cinquies of pearles; and ye shall give her a head-dressing of two and twenty great peare pearles; and ye shall give her three godlie peare pendant dyamonts, qwhairof the biggest to be worne at a needle on the middest of her foreheade, and one in everie eare. And for my babie's owin wearing ye have two goode jewells of your owin, youre rounde broache of dyamonts, and your tryangle dyamont, with the great round pearle; and I send you for youre wearing the three brethren that ye know full well, but newlie sette, and the mirroure of Frawnce, the fellow of the Portugal dyamont, qwhiche I wolde wishe you to weare alone in your hatte, with a little blacke feather; ye have also good dyamont buttons of youre owin to be sett to a doublette or jerkin; as for youre I, it may serve for a present to a don. As for thee, my sweete gossepe, I send thee a faire table-dyamonde, qwhich I wolde once have gevin thee before if thou wolde have taken itt, for wearing on thy hatte, or qwhaire thou plaists; and if my babie will spaire thee the two long dyamonts in forme of an anker, with the pendant dyamont, itt were fit for an admirall to wear, and he hath enough better jewells for his mistresse. Thou hes of thyne owin thy goode olde jewell, thy three pindars dyamonts; thy picture-case I gave Kate, and the great dyamont-chaine I gave her, qwho wolde have sent thee the least prinne she hadde, if I had not stayed her. If my babie will not spaire the anker from his mistresse, he may well lend thee his rounde broache to weare, and yet he shall have jewells to weare in his hatte for three great dayes. And now for the form of my babie's presenting of his jewells to his mistresse, I leave that to himselfe, with Stennie's advice, and my lord of Bristolt's, onlie I would not have thaime presented all at once, but att the more fundrie times the better,

Henrietta, his after-wife. Equally strong were the astonishment, mortification, and confusion of Bristol, when he saw the travellers alight at his house: Nothing, in his opinion, but a demon in the form of the prince of Wales, could have prevented the successful termination of an affair which had cost so much time, pains, and vexation. It was alledged against him by Buckingham, that, on finding the prince's errand was not to turn Papist, as he at first suspected it was, he advised him with earnestness to that step. Nor is this fact improbable, since, in the present circumstances, the minister might rationally conclude, that a contrary resolution would be followed by the rupture of the treaty, and, with it, the disappointment of his future prospects.

When the arrival of the royal visitor was formally made known to the Spanish monarch, the attention of himself and council was totally employed in devising on the occasion a reception as romantically exalted as the occasion itself;

The prince
arrives at
Madrid.

better, and I would have the rarest and richest kept him-
moste. I have also sent four other crosses of meaner valew,
with a great pointed dyamont in a ring, qwhich will save
charges in presents to dons, according to their qualities;
but I will send with the fleete dyvers other jewells for pre-
sents for saving of chairges, qwhairof we have soe muche
neede; for till my babie's comming away thaire will be no
neede of giving of presents to any but to her. Thus you see
how as long as I want the sweete comforte of my boyes con-
versation, I am forced, yea, and delytes, to converse with
thaim by long letres. God bleffe you both, my sweete
boyes, and sende you, after a succesfull journey, a joyefull
and happie returne in the armis of your deare dade.

James R.

“ From Newmarket, on Saint Patrick's-
daye, qwho of olde was to well pa-
tronized in the country ye are in.”

MSS. in the Brit. Museum, n. 6011, p. 21, & seq.

Anno 1623. nor could the most heated fancy of their own romance-writers describe more pompous ceremonies, or more bombast expressions of respect, than were here practised to delight the imagination of their enamored guest: The prisons in Spain were thrown open; the sumptuary laws suspended; the privy-counsellors waited on him in a body to inform him, that they had express orders to obey him as exactly as the king himself. Nor was he suffered long to languish for the sight of his mistress, who was carried abroad to visit a monastery, that her lover might be gratified with a distant view. His introduction into the palace was performed with the same parade which attends the kings of Spain at their inauguration; Philip took the left hand of him on all occasions; he was constantly served by the grandees and titulados; presented with golden keys of all the regal apartments, that he might have access at all hours; the queen sent him divers presents of rich apparel, perfumes, and other rarities of the country; he was entertained with a variety of shows and triumphs, where, like a successful knight, he often obtained the prize in presence of his mistress; at a dinner at St. Jerome's monastery, several of the chief officers of the crown waited on him bare-headed. Wilson asserts, that this servile custom was introduced into Spain by Philip II. who carried it from England, where he had been thus attended*.

His reception.

Wilson,
p. 228.

Whilst this pompous scene was acting at Madrid, the dispensation lingered at Rome. The

* Sully, in his Memoirs, testifies the having been much surprized at beholding the ceremony of serving the king of England, at the time of dinner on the knee.

prime-minister Olivares, in his first congratulations to the prince, told him, "That the match would be concluded instantly; that now the kings of Spain and England should divide the world between them, for that he did not question but he came to change his religion." The artful Gondemar, who was at this time at Madrid, did not fail to act his part of the farce, by telling the prince one day, in a jocular manner, "That he had strange news to tell him, which was, that himself, though an Englishman in his heart, had been made that morning a privy-counsellor." This was followed by a compliment from Philip, that he had conferred that honor on Gondemar that his highness might be informed of all their resolves.

Charles at this time received a letter from the pope: It expresses an assured belief that the prince was come to Spain for the purpose of being received into the bosom of the papal church. As the prince's answer to this letter has been represented by a very ingenious author in the light of a decent compliment, to which there could be no substantial objections, I shall give it at full length.

Intercourse
of letters be-
tween
Charles and
the pope.

Prince Charles to pope Gregory XV.

" Most holy father,

" We have received your letter with no less thankfulness and respect than is due to the singular good-will and godly affection wherewith we know it was written. It was most acceptable to us, that the never-enough-renowned examples of our ancestors were proposed to us by your holiness for our inspection and imitation; who, though they often hazarded their lives and for-

Rushworth.
vol. I. p. 80,
& seq.

Anno 1623. tunes, to propagate the Christian faith, yet did they never more chearfully display the banners of Christ crucified, against his most bitter enemies, than we will endeavor to the utmost that the peace and union which so long triumphed may be reduced into the Christian world, after a kind of elimination or exile. For since the malice of the father of discords hath sowed such unhappy divisions amongst those who profess the Christian religion, we account this most necessary, thereby to promote with better success the glory of God, and Christ our Saviour. Nor shall we esteem it less honor to tread in their footsteps, and to have been their rivals and imitators in holy undertakings, than to have been descended of them; and we are very much encouraged to this, as well by the known inclination of our lord and father, and his ardent desire to lend a hand to so pious a work, as by the anguish which gnaws his royal breast when he considers what cruel destructions, what deplorable calamities arise out of the dissensions of Christian princes. Your holiness's conjecture of our desire to contract an alliance and marriage with a Catholic family and princess, is agreeable both to your wisdom and charity; for we would never desire so vehemently to be joined in a strict and indissoluble bond with any mortal whatsoever, whose religion we hated. Therefore your holiness may be assured, that we are, and always will be, of that moderation as to abstain from such actions as may testify our hatred against the Roman Catholic religion; we will rather embrace all occasions whereby, through a gentle and fair procedure, all sinister suspicions may be taken away: That as we all confess one individual Trinity, and one Christ crucified, we may unanimously grow up into one faith; which
that

that we may compass, we little value all labor and watchings, yea, the very hazard of our lives. It remains that we render thanks to your holiness for your letter, which we esteem as a singular present, and wish your holiness all prosperity and eternal happiness."

To make the comment upon this answer more easy, it must be known that the pope, in his letter, exhorts the prince to follow his ancestors in obedience to the see of Rome. "It was most acceptable to us, returns the prince, that the never-enough-renowned examples of our ancestors were proposed to us by your holiness for our inspection and imitation." The pope proposes no medium, he insists upon a return of obedience to the papal hierarchy: "Yet did they never, says the prince, more chearfully display the banners of Christ crucified, against his most bitter enemies, than we will endeavor to the utmost to restore peace and union in the church." The pope supposes that the prince prosecutes the intended marriage with a design to re-unite himself to the church of Rome: The prince returns answer, "That the pope's conjecture is according to charity and wisdom, for he would never desire to be joined in marriage with any one whose religion he hated." It is very apparent, from the whole tenor of the answer, that at this time the love-sick prince was too much rivetted in the desire of the match to let any obstacles in point of religion interpose between him and possession. But whilst his passion was tantalized by daily expectations of the dispensation, it at length arrived from Rome, tacked to additional articles in point of religion. As these were of great importance, he was obliged to refer them to his father, and Cottington was sent into England on this errand.

Anno 1623.

James was so delighted with the account of his son's treatment at the court of Spain, that he broke out into frantic expressions of joy, and was heard several times to say, "Now all the devils in hell cannot hinder the match." On his asking his council whether it would be convenient to grant a toleration for Papists, he received a letter from the archbishop of Canterbury, which strongly represented to him how incongruous such a measure was to all his past professions, and how dangerous the attempt to abrogate the laws of the land by his own power, might prove to the welfare of himself and family. This spirited interposition was made by the worthy prelate whilst he lay under disgrace for having killed a park-keeper in an attempt to shoot a deer. His mortification for this unlucky accident had been so great as to petition the King for leave to retire to an alms-house at Guildford, which he had built for the maintenance of the poor.

Williams, the lord-keeper, had informed Buckingham, that, by the common law yet in force, the archbishop was made irregular, *ipso facto*, and so suspended from all ecclesiastical functions, until restored by his superior, who was the King's majesty; to this he added, "That though it was against the King's nature to add affliction to the afflicted, yet to leave a man of of blood primate and patriarch of all his churches, founded very harsh in the old councils and canons, and the Papists would not spare to censure it *." It is very much to James's credit that this

* Williams, who was at this time indulged with the bishopric of Lincoln, refused to be consecrated by the unfortunate prelate. It may be questioned whether this objection arose from a conscience delicate in trifles, or from the fair prospect he had of succeeding himself to the see of Canterbury,

this advice was rejected, and the archbishop continued in his ecclesiastical dignity. Anno 1623.

Cottington was soon sent back to Spain with the additional articles signed by the King and council.

Transactions during the prince's stay at Madrid. Rushworth, vol. I. p. 86. & seq.

That the infanta should take with her her family, and that these shall be nominated by the Catholic king, and afterwards supplied by him:

That the election of her priests shall belong to the infanta :

That the servants of the family of the lady infanta shall not be obliged to take the oath of allegiance to the King of Great Britain, provided there be any clause contrary to their consciences, and the Roman Catholic religion :

That the laws which are, or shall be, against religion, shall not take hold of the said servants, and only the superior ecclesiastic may proceed against ecclesiastical persons, as hath been accustomed by Catholics. And if any secular judge shall apprehend any ecclesiastical person for any offence, he shall forthwith cause him to be delivered to the superior ecclesiastic, who shall proceed against him according to the canon-law :

That the nurses who shall give suck to the children of the lady infanta, shall be chosen by the lady infanta.

To these additional articles, with those already mentioned, the King and privy-council

bury, had Abbot been judged incapable, and a desire to please his patron Buckingham, to whom Abbot was very disagreeable. Laud, who, by the means of that favorite, was at this time appointed bishop of St. David's, had the same scruples. It is to be remarked, that this prelate afterwards assisted at the ceremony of the consecration of Richard Montague to the see of Chichester, which was performed by Abbot. Montague had been as zealous as Laud in supporting the pretence of his irregularity.

swore.

Anno 1623. swore. Moreover, the King agreed to these private ones:

That particular laws now enacted against Roman Catholics, and even general laws, under which all the subjects are comprized, if they are repugnant to the Roman Catholic religion, shall not at any time hereafter, by any means or chance whatsoever, directly or indirectly, be commanded to be put in execution against the said Roman Catholics; and we will cause that our council shall take the same oath, as far as it pertains to them:

That no attempt shall be made with the most renowned lady infanta, Donna Maria, about any thing which shall be repugnant to the Roman Catholic religion, or those things which shall be contained in the treaty of matrimony:

That we and the prince of Wales will interpose our authority, and will do as much as in us lies, that the parliament shall ratify the articles capitulated between the most renowned kings in favor of the Roman Catholics by reason of this marriage, and that the said parliament shall revoke and abrogate the particular laws made against Roman Catholics, as likewise the general laws under which all are equally comprehended, if they are repugnant to the Roman Catholic religion; and we will not hereafter consent that the said parliament shall ever at any time enact or write any other new laws against Roman Catholics.

The privy-counsellor's oath was this:

"I, A. B. do swear that I will truly and fully observe, as much as belongeth to me, all and every of the articles which are contained in the treaty of marriage between the most gracious Charles,

Charles, prince of Wales, and the most gracious Anno 1623. lady Donna Maria, infanta of Spain. Likewise I swear, that I will neither commit to execution, or cause to be executed, either by myself or by any inferior officer serving under me, any law made against any Roman Catholic whatsoever, nor will execute any punishment inflicted by those laws, but, in all things which belong to me, will faithfully observe his majesty's word given in that behalf."

When these returned to Spain, the prince of Wales engaged on the part of his father, that all the agreed-to particulars should take place in three years, or sooner if possible; that he would intercede that the ten years of the education under the infanta should, according to the desire of the pope, be prorogued to twelve. To this was added an obligation, that, as often as the infanta should require, the prince would give ear to divines or others whom she should please to employ, in matter of the Roman Catholic religion; and for farther caution in point of the free exercise of the said religion, the prince engaged, on the word of a king, that the things promised should take effect, and be put in execution, as well in the kingdoms of Scotland and Ireland, as of England.

The belief of a powerful protection to the Catholics in England was at this time so well established, that a titular bishop of Calcedon came privately to London to exercise an episcopal jurisdiction over them. Bonfires and other public rejoicings were made on the success of the treaty; the infanta was stiled princess of Wales; a chapel was building for her at St. James's; a fleet was prepared for her passage; and among the servile, the curious, and the ignorant, three numerous

Anno 1623. merous classes of men, which are the constant flatterers and followers of the humors of the times, her picture was every where to be seen. At this time several noblemen left England to pay their court at Madrid.

In the good humor into which the present situation of affairs had put James, the favorite was not forgotten: A patent for the title of duke was sent to him by Cottington, that he might be upon a footing with the best grandee in Spain. But whilst the self-flattered monarch was enjoying in prospect the accomplishment of his desires, new doubts arose, in the council at Madrid. As much or more had been yielded to, it was said, than could have been reasonably expected; but, had the British King and his son power to effect what they had so readily granted? would it not be prudent to make this trial by delaying the solemnization of the nuptials till the full performance of the concessions? On the result of this debate the bishop of Segovia frankly told Buckingham, "That the articles James had assented to, in favor of the Roman Catholics, amounted to a toleration; that he had heard something of the estate of England, that the King could not grant a toleration without a rebellion, and he easily believed it, because that the king of Spain was not able in his dominions to effect the like enterprize without incurring the like danger. He therefore concluded, that if the infanta was sent into England before these alterations were established, she might be treated with a rebellion." Gondemar, who had given information to the Spanish council of the measure of influence James had in England, closed in with the bishop of Segovia, and said, "That he did not think it fitting to part with the infanta before

before the articles were perfectly put in execution." Anno 1623.

This new objection, when communicated to James, flung him into a fit of despair: His promises had been made in secret, and not to be performed but by degrees, and after the marriage, when the power of Spain was united to the power of the crown of England; he was now pressed to expose them to the public, by an abrupt execution, whilst the treaty was yet unconcluded, and, by such a prelude, to fill the minds of his already-discontented subjects with dreadful apprehensions of its issue.

To give Spain every possible satisfaction, a full declaration of his intentions was drawn up, and signed by secretary Conway, and several privy-counsellors. This confirmed the grant of all the articles, both public and private; and that it should be lawful for the Spanish ambassadors to assign a discreet person to employ such sufficient lawyers as should be thought fit to take care of the strength, validity, and security of the said grants; and that his majesty's attorney should have charge to receive and admit the said lawyers to the sight and judgment of the said draughts, and, in any doubts, to give them satisfaction, or to use such legal, necessary, and pertinent words and phrases as he the attorney-general should propound for the security of the Roman Catholics, and sure making of the said grants; and that his majesty's will and pleasure was, that a legal and authentical pardon should be passed under the great-seal, wherein should be freely pardoned all the penalties to which the Roman Catholics were liable for matters of conscience, and in which they had been proceeded against, or might be; that a course should be taken

Anno 1623. taken that the pardon should not be costly ; and that it should be lawful to put as many as was possible in one pardon.

The Spanish ambassadors, not being satisfied with these assurances, the lord-keeper and other commissioners were directed to draw up a pardon of all offences past, with a dispensation for those to come, to be granted to all Roman Catholics obnoxious to any laws against recusants, and then to issue forth two general commands under the great-seal of England ; the one to all judges and justices of the peace, and the other to all bishops, chancellors, and commissaries, not to execute any statute against them.

The pardon was passed full and ample ; but Williams, the lord-keeper, represented so strongly the danger of a general discontent and mutiny, should it take place immediately, by the means of so peremptory a prohibition to the judges and bishops, and the greater probability of success were the King's favors enlarged by degrees, that the ambassadors at length consented the matter should rest till the arrival of the infant.

To all the important concessions which had been already made by the English monarch, this additional clause in the pope's dispensation was still insisted on :

“ That whereas there were certain articles consented unto by the King of England in favor of the Roman Catholics in his dominions, a security should be given for the performance of those concessions.” To this demand James answered, “ That he could give no other security than his own and the prince's oaths, exemplified under the great-seal of England.”

This

This was not satisfactory, and James suffered Anno 1623. the mortification of being told, "That his own and the prince's oaths were not a sufficient security unless some sovereign Catholic prince would stand engaged for its performance. Affairs remaining thus embarrassed, the king of Spain proffered to engage himself by oath for a performance of the articles, if, on a consultation with his ghostly fathers, it was determined he might do it with a safe conscience. A junto of divines was called to a formal consideration; they at length concluded in the affirmative, and that in case the king of England should fail to execute what was stipulated, the king of Spain was to vindicate his oath by the sword. Thus did his Catholic majesty obtain a kind of right to head a large party in England, which was to appeal to him for redress in all cases of grievance.

The vast acquisitions which had been lately made by the house of Austria, and the prospect of its increase of power by a conjunction with Great Britain, raised apprehensions in the court of France which occasioned an entire alteration of their late measures. From prosecuting their Protestant subjects to the brink of destruction, they condescended to a re-union, on the terms of their possessing all the privileges in point of religion which they had before enjoyed. The state of the malcontents in Germany was daily more hopeless. The restoration of the Palatinates had not been mentioned in the late transactions between James and the court of Spain.

In vain had he sacrificed both reputation and interest to the chimerical project of a strict union with the house of Austria; farther obstacles still retarded the accomplishment of his wishes. At
this

Anno 1623. this particular crisis, when the affair was apparently concluded to the satisfaction of all parties, the death of Gregory XV. afforded the Spaniards an excuse for delaying the nuptials till the assent of cardinal Barberini, the new pope, had been obtained. The Spanish ministry pretended, that, as the dispensation still lay in the nuncio's hands, and a contract had not been formed upon it, it was by the late pope's death suspended, and a ratification from the new one was become necessary. This unseasonable objection undoubtedly proceeded from the zeal of the courts of Rome and Spain to complete the prince's conversion before he left Madrid.

The immediate act of the new pope was to begin a correspondence with the king of England and his son: He informs the latter, that the first letters which he received after he was preferred to the throne of the apostles, were those sent out of Spain from him the prince to Gregory XV. his predecessor, of famous memory: "We lifted up our hands to Heaven, continues he, and gave thanks to the Father of mercies, when, in the very entry of our reign, a British prince began to perform this kind of obeisance to the pope of Rome."

Charles's patience was at length exhausted by the vexatious delays which had successively arisen between him and the possession of his mistress. The Spaniards in effect had, by an over-niceness and too fine-drawn a policy, rather starved than cherished his passion; instead of having indulged him with those tender interviews and little favors which swell the expectations, raise the desires, and increase the passion of the sanguine lover, he had been treated with a reserve which arose to an affected indifference; entertaining his
mistress

mistress had been no otherwise allowed than in the most formal manner, before a circle of ceremonious spectators. Thus restrained, his passion had been vented in distant glances, which met with a return so cold that it damped the hopes of a mutual inclination.

His long stay at Madrid had produced occasions which gave rise to a reciprocal disgust between Buckingham and the Spanish ministry: That decent formal people regarded with aversion the manners of the favorite—a mixture of Gallic licentiousness and British roughness. The distasteful familiarity which subsisted between him and his master gave great offence to the high notions which that nation entertained of royalty, and was as incongruous to the equally-exalted pretensions of James and his son, as to the romantic conceits of the Spaniards. A contemptible buffoonry was not the most material offence in Buckingham's carriage; his behavior was lascivious, and his whole conduct compounded of oppositions to Spanish gravity and Spanish delicacy.

From these causes had arisen a reciprocal animosity between the parties, that produced at several times high and warm altercations. Olivares, in a junto of ministers, had reproached Buckingham with having flattered them with hopes, that the prince would renounce the Protestant faith; Buckingham told him he lied; the indignant Spaniard resented the affront with spirit, and gave the favorite to understand, that it was the importance of the treaty in agitation which prevented him from insisting on the proper satisfaction for so gross an injury. These and other subjects of disgust alienated Buckingham's affections from the Spanish match. The

Anno 1623. minister Bristol, whose conduct had been, for the whole series of his negotiation, subservient to the view of completing this alliance, was as much approved by the court of Spain as Buckingham's was disliked. They shewed so strong a disapprobation of the treaty's having been taken out of the hands of the former, and transferred to the latter, that they testified a doubt of the sufficiency of his power, as it had not been confirmed by the council of England. The high spirit of the favorite, who, from the commencement of James's absurd affection to him, had never met with the like opposition, was enraged to a degree of resentment which would alone have instigated him to break off the impending treaty. His political reasons were not immaterial ones: There was at this time a large party in the court of England, who, from motives of jealousy, in opposition to his influence supported Bristol; he was so obnoxious to the whole court of Spain, that they declared they would rather bury the infanta than trust her in his hands; his patron James had been rather disobliged by his insolent carriage on the debate of the prince's journey to Madrid. The surest object he had to depend on was his present interest with Charles, and that might be rendered very precarious by the union between him and the infanta, who, it was to be supposed, would have a powerful influence over his young and amorous mind.

This being the present situation of affairs, the catastrophe that immediately follows is not a very surprizing one. Buckingham employed his whole powers to instil into the prince an aversion for what had till now been the object of his passionate desire. The present obstinacy of the Spanish ministry, who not only refused to accomplish

compleish the marriage till the ratification of the dispensation, but also to deliver up the infant till the spring, concurred so efficaciously with Buckingham's endeavors, that Charles was persuaded to think the Spaniards had no sincere inclination to an union with the crown of England; and that himself and his father had been the dupes to a treaty, the completion of which would involve them in inextricable difficulties. These, and other the like insinuations, worked him up to such a height of resentment, that he listened with eagerness to the project of an abrupt departure, and began to entertain doubts of not being able to effect it. In this despondency he wrote word to his father, "That he must now look upon his sister and her children, never thinking more of him, and forgetting that he had such a son." Buckingham plied him with letters at the same time, to this effect: "That he had at length discovered the king of Spain's insincerity; that not only he had no inclination to cause the Palatinate to be restored, but also was far from having the least thought of accomplishing the marriage; and that the prince was in danger of being retained in Spain all his life." These and other advices of the same sort put the poor old King into such a fright, that he wrote positive orders to Buckingham to bring away the prince if possible; at the same time he sent a fleet of ships to St. Andero in Biscay to escort them home*. This

* One of James's letters on the occasion of these desponding messages:

"My sweet boys,

"Your letter by Cottington hath struck me dead; I fear it shall much shorten my days. Alas! I now repent me sore that ever I suffered you to go away; I care for match

Anno 1623. order was obeyed with alacrity : On pretence of preparing the English navy for the prince's reception, Buckingham departed hastily. He took no ceremonious farewell of the court ; but told Olivares bluntly, " That he was obliged to the king, queen, and infanta, in an eternal tie of gratitude ; that he would be an everlasting servant to them, and endeavor to do the best offices for concluding the match, and strengthening the amity between the two crowns ; but as for himself, he had so far disobliged him, that he could not, without flattery, make the least profession of friendship to him." The departure of the prince was extremely solemn, and the parade of his farewell equal to that which had attended his reception. Exalted were the reciprocal compliments : Philip declared, " That the prince had laid him under an everlasting obligation, by placing so high a degree of confidence in him as to trust his person in his hands, a thing unusual with princes. Charles magnified the favors he had received ; and added, " That he could not sufficiently express the high degree of estimation they had begot for the worth of the giver."

Cabala.

The prince
leaves
Madrid.

Very different from these protestations were the impressions which Buckingham had lately

nor nothing, so I may once have you in my arms again ! God grant it ! God grant it ! God grant it ! amen, amen, amen. I protest ye shall be as heartily welcome as if ye had done all things ye went for, so that I may once have you in my arms again. And so God bless you both, my only sweet son, only best sweet servant, and let me hear from you quickly, with all speed, as you love my life. And so God send you a happy joyful meeting in the arms of

Your dear dad.

" From Greenwich, June 14, 1623."
MSS. in Brit. Museum, n. 6987, fol. 52.

made

made on his easy ductile mind. It was observed Anno 1623. that the first words which he spoke after he was embarked were, "That it was a great weakness and folly in the Spaniards, after they had used him so ill, to grant him a free departure." Before he left the court of Madrid, a procuration to the king of Spain and Don Carlos his brother, to make the espousal in his name, was left in the hands of Bristol; it had in it a general clause inserted, that it should not be revoked. This proxy, by the particular direction of the prince, was to expire at Christmas, and was not to be delivered into the king of Spain's hands till ten days after the arrival of the dispensation. Immediately on the prince's joining Buckingham, a positive order was sent to Bristol not to deliver it till security was given him that the infanta, after the espousal, should not betake herself to a monastery, and to inform the prince what security was offered, that he might himself be judge whether it was proper to accept it. At the same time a defeazance of the proxy, in case the dispensation came clogged with any new demands, was sent privately to one Clark, to be produced on a critical occasion; so fearful was this once-ardent lover lest the marriage should be solemnized before he could gain time to persuade his father to reject it.

Charles and his present favorite were no sooner His return to England arrived in England, than they fully demonstrated to James their present distaste and aversion to an union with Spain; and this unfortunate monarch was a second time obliged to yield to the obstinacy of his son and the intemperate pursuits of his domineering servant. An express was sent to Bristol, to inform him, that a clear restitution of the Palatinate was expected with the solemn-

Anno 1623. zation of the nuptials, and a command that he should procure from the king of Spain a punctual answer what course he would take for the restitution of the Palatinate and Electorate; and in case the emperor or duke of Bavaria should oppose any part of the restitution, what assurances of content he would give in that point; to this a direction was added, that the betrothing of the infanta should be on one of the days in Christmas.

This express threw Bristol into the utmost perplexity: The rubs which the prince had thrown in his way were in a manner got over; he had attained a full security for the infanta's not taking the veil, and intended, by the support of his public warrant under the great seal of England, to waive the private order, and deliver the proxy on the arrival of the dispensation. James's command could not be so well parried, and the minister's present prospects began to wear a cloudy aspect: He and Buckingham had been at open variance during their mutual abode at Madrid, and the prince was infinitely disobliged by a management which altogether opposed his present inclinations. The rise of fortune he now possessed, had been totally owing to the having conducted the treaty to a conclusive period. His interest with James, solely founded on the merit of his negotiation, increased in proportion to its fancied success: From this circumstance, during its process, he had been created baron Digby, then earl of Bristol. The increasing good will of his master, and the advantage he had promised himself from the favor of the Catholic king and his ministry, obtained from an obsequious adherence to the manners and interests of the court of Spain, were now lost by this successful

ful counter-act of his antagonist Buckingham, Anno 1623. whom he had entertained hopes of over-topping by means of the infant's power in the court of England. Desperate as were the present circumstances, he did not entirely abandon the hopes of concluding the marriage. Having obtained from Philip a written promise that the Palatinate should be restored, he wrote an answer to James, in which he informed him, " That the dispensation was hourly expected at the court of Madrid, and that letters from the duke of Pastrava certified that the pope had clearly passed it." He then expostulated with him on the direction of having the marriage solemnized on one of the Christmas holidays; assures himself that it was given on want of due information that the powers would be then expired; and adds, that, with the concurrence of Sir Walter Aston, he should deliver the said powers when demanded, and pass on to the nominating a prefixed day for the *depossession*'s, if he received no orders to the contrary. " I have of purpose, continues he, dispatched the post with this letter, to the end I may receive your majesty's directions in this particular with all possible speed; which I hope shall be to proceed directly to the marriage, according to the capitulations, and so to order all things for the princess's journey in the spring. And for the Palatinate, your majesty may be confident there shall be diligence used in procuring a good and speedy resolution."

These were not the only endeavors practised by Cabala. Bristol to restore this business. Letters had been sent to the prince of Wales, shewing, that though the point of portion was a material one, yet, when the Spanish junto found it, by the papers of the late king, to be no less than two millions,

Anno 1623. they resolved to make it good, notwithstanding they alledged that this sum was four times as much as ever was given in money with any daughter of Spain. To these were added arguments from the infanta's rank and personal merits. Moreover, Sir Walter Aston, a minister who had been joined by the prince in commission with Bristol for a check upon his forwardness, labored to reconcile Buckingham to the match, by insinuating, that if it proceeded, he (Buckingham) would have the honor of it; and the infanta being duly informed, must acknowledge him to be the person to whom she was obliged *. These attempts were all unsuccessful; the prince and Buckingham were determined against the match, and Bristol was commanded to follow the new instructions; namely, not to deliver the powers till he obtained from the king of Spain a direct engagement for the restitution of the Palatinate and the electoral dignity.

Notwithstanding these proceedings, James had not as yet been prevailed on to disclaim entirely the match, and still flattered himself that he could accommodate the present difference by treaties. With this view he sent a renewal of the powers for a larger time, and tendered these following propositions to his son-in-law, the titular king of Bohemia: To accommodate his broken fortunes by a full submission to the emperor, and an acceptation of the return of the Palatinate to his son, and the administration to himself, with

* Buckingham sent a threatening letter to Aston for these offices: He tells him, "That the King had been advised to revoke his commission; that his disgrace will immediately happen, if he does not remove displeasure, by a conduct entirely conformable to the sense of the instructions he received from the prince." *Cabala*, fol. ed. 1673, p. 127, & seq.

the electoral dignity, after the death of the duke of Bavaria, on the conditions of an union between that son and a daughter of the emperor: The Palsgrave not to have the tuition of his said son, but to give up that charge to the infanta, when she should be princess of Wales. To this disgraceful proposal Frederic returned a very spirited answer: He rejects the humiliating terms advised him by James; shews that they were only offered by his enemies, with a design to render his cause more desperate, by making him abject in the eyes of the Protestant princes who were at this time disposed to succor him; he then set forth the fraudulent conduct of the emperor and his allies, with the many gross impositions he had been already obliged to submit to. In describing the present political state of Germany and Great Britain, he shews, though in modest terms, that if spirited measures had been pursued by the court of England, James had been in a situation of giving law to the house of Austria, instead of receiving it in so disgraceful a manner; he insists that Germany would again exert itself, if encouraged by a warlike motion from the King of England.

The enterprizes recommended to James in this answer were strongly seconded by the adversaries of the Spanish match, at this time headed by the prince and Buckingham. This latter had an offer of an union between his son and a daughter of the Palsgrave, on condition of his obtaining a vigorous assistance from England towards the recovery of the Palatinate.

When the ratification of the dispensation arrived at Madrid *, bonfires were made through-

Preparations
in Spain for
celebrating
the nuptials.

* The ambassador who waited on Charles with congratulatory compliments from the king of Spain, on his safe return

ANNO 1623. out all Spain; guns were fired, and other demonstrations of public rejoicings exhibited; the infanta took upon her the title of princess of England; her family was settled; and the beginning of March appointed for her journey; the behaviour of the English ambassadors to her was the same as used by courtiers to their sovereign; from the prince's departure she had applied herself to learning the English language, and had began the letters of compliment which were to be sent to her husband and father-in-law on the day of her espousal; presents were prepared for their acceptance; the ninth of December was appointed for the marriage-day; all the grandes were invited to the wedding; a gallery leading from the court to the church was erected a quarter of a mile in length, covered with tapestry, to conduct the bride elect, in open view, and with most magnificent solemnity to the ceremony; Bristol had provided costly equipages; when the whole business was instantly defeated on the opening his farther instructions from England, which were, To procure an entire surrender of the Palatinate and Electorate, before he advanced towards finishing the contract *. To this oddly-timed demand the king of Spain gave answer, "That neither the Palatinates nor Electorate were in his power to dispose of; but if a treaty was set on

turn to England, had been ordered to make known to the princes of Flanders, Germany, and Italy, how near the marriage was to a conclusion. The Polish ambassador at Madrid, whose errand was to solicit a match between the infanta and his master, returned home on the arrival of the dispensation.

* This command was confirmed by the dispatches of four several messengers, who arrived at Madrid close at each other's heels.

foot,

foot, and the emperor and the duke of Bavaria Anno 1623. would not come to terms of conformity, he would join arms with England to recover them, and was willing to give any security for a due performance."

These answers not satisfying, Bristol was recalled, and the infanta laid down the title of princess of England. Thus ended a treaty in which had been expended in embassies, in the prince's journey, and in presents given at the court of Madrid, as much money as was the destined portion of the infanta, which being in pieces of eight, amounted to the sum of six hundred thousand pounds.

On Bristol's announcing his orders of revocation, he received from Olivares, in the name of Philip, large proffers of mediation in the court of England; and that his majesty, for the example of his own subjects, and for encouragement to all such as should serve their princes with the like loyalty, had sent him a blank, on which he might set down his own conditions in point of title or fortune. Bristol, not thinking it proper to accept these offers, illustrated his refusal with an answer, in which he magnified his own disinterestedness, his fidelity to his master, and his entire confidence in his justice.

C H A P. VIII.

Influence of Buckingham.——Parliament.——Treaties with Spain laid before the house.——Rupture with Spain.——Parliament prorogued.——Marriage-treaty with France.——Mansfeild's expedition.——Massacre at Amboyna.——Death of King James.——His character.

Anno 1623.
Influence of
Buckingham.

TO the influence which Buckingham maintained over the weak mind of his prince, have most authors attributed the abrupt dissolution of the Spanish treaty. But to the power, not the persuasion, of the favorite, may be more justly ascribed this whimsical and unexpected event. It was neither inclination nor conviction which prevailed on James to disclaim the offered conclusion of that which had been the object of his earnest pursuit for a series of fifteen years: His affections were over-ruled by the impetuous opposition of Buckingham, whose present interest with the prince, and the concurrence of the majority of the nation, detached from him every other support than a precarious assistance from Spain. In this disposition of affairs, the timid monarch, with a painful compliance, submitted to measures which overthrew his hopes in the very crisis of their accomplishment. Nor did the wanton insolence of his pampered servant stop at this point: His private piques must be revenged on Spain, and his pacific master enter as a party in his quarrel; he who, through the course of a long reign, had with a fearful anxiety maintained an uninterrupted peace, must sound to arms, and declare war with a family to whose courted friendship

friendship he had before sacrificed every consider- Anno 1623.
ation.

As not only the entire rupture of the treaty, but a war with Spain had been agreed on between Charles and Buckingham, Bristol had been recalled, and Henry Rich, earl of Holland, sent into France with proposals of marriage between the prince of Wales, and the princess Henrietta, third daughter to Henry IV. James, on the occasion of the destined war, was obliged to have recourse to the demand of a benevolence from the subject: The measures whereby it was extorted were most injurious. On the refusal of Barnes, a citizen of London, orders were sent from the treasurer, that he must immediately prepare to carry by the post a dispatch into Ireland. The citizen was obliged to compound the Hume. matter; and this example deterred every one afterwards from refusing the sum required *.

Buckingham's impetuosity rose to such a height, as, first, to propose the selling the crown-lands for the expence of the war; and then to consult with Dr. John Preston, head of the Puritan party, on seizing the dean and chapter lands for the use of the crown. He was dissuaded from these undertakings by Williams †, nor

* This is a glaring instance of that gross and pernicious abuse, to which every degree of confidence in government is liable.

† The manner in which Buckingham was put off from this attempt is as follows: He acknowledged, in a conversation with Williams, that for the success of his plan he depended on the disposition of the popular leaders of the house of Commons, and particularly on Sir Edward Coke. Williams managed the contest in such a manner, that Buckingham owned he had been entirely mistaken in the opinion he had formed of the principles of the leading commoners, and desisted from his project. Hacket, who tells us this story, adds that Williams,

Anno 1623. could he get James to countenance them. A select council was appointed to examine into the present situation of affairs with Spain, and into the conduct of that court. This council was very refractory to the impetuous inclinations of Buckingham, who, depending on his present popularity, and the fervor of the people towards a war with the house of Austria, forced the King into the calling a parliament, that he might appeal from his opposers to that powerful court.

Hacket's
Life of Wil-
liams.

Rapin.

The situation of James at this time was pitiable: Since the return of the prince and the duke he not only ceased to rule, but was obliged to concur in measures which he detested: He was surrounded with people in whom he could put no confidence; his domestics were all of them, either through interest or fear, the creatures of Buckingham; most of them owed their places to this favorite, and the present union which subsisted between him and the prince, strengthened the resentment of former obligations with the hopes of new ones. James's distress was heightened by a paper privately conveyed to him from the marquis Inniosa, the Spanish ambassador, specifying, "That a conspiracy had been formed by the prince and duke to confine him (the King) to one of his country-houses, and usurp themselves the government." The duke's

liams, the day preceding this conference, had waited two hours in the duke's anti-chamber, whilst he was shut up with Preston, without having gained admittance.

This usage of Williams shews, that it was no uncommon behavior in Buckingham to subject the lord-keeper, with the great seal of England, to the mortification of a servile attendance, and gives some authority to Weldon's account of the treatment Bacon met with from the same quarter.

Bishop Hacket's Life of Williams, oct. ed. 1715, p. 79. & seq.

late

conduct was alledged as a leading circumstance to the treachery: According to an intimation in the letter, the ambassador's secretary was admitted to a private discourse. Neither did the written or verbal intelligence occasion the desired alteration in James's conduct: He was observed to grow melancholy, and affected for some time to speak to his son and favorite in a mysterious broken language. At length, on a party with the prince to Windsor, he ordered Buckingham, on a trivial pretence, to remain behind. Buckingham, who looked upon this as a token of uncommon displeasure, besought the King to acquaint him with the cause of this disgrace. The King, with tears in his eyes, returned answer, "That himself was the unhappiest man alive, to be forsaken of those who were most dear to him." By the advice of Williams, Buckingham followed to Windsor, in which place he found means to work so efficaciously on his master's weaknesses, as to effect a seeming, if not a real reconciliation *.

There had subsisted, some time before this, a great coolness between Williams and Buckingham: The former had conceived hopes of sup-

* A letter which bears date after the period of this quarrel, either shews that the reconciliation was real, or that James was a consummate master in the low art of dissimbling.

In this letter James, after having given Buckingham directions concerning his wife, in expressions fullsomely gross and familiar, adds, "If thou be with me by four in the afternoon, it will be good time; and prepare thee to be a guard to me from keeping my heart unbroken with business, before my going to the progress. And thus God fend me a happy and a joyful meeting with my sweet Stenny this evening. Sweet-heart, when thou risest keep thee from importunities of people who trouble thy mind, that at meeting I may see thy white teeth shine upon me." *MSS. in the Brit. Museum*, n. 6987.

planting

Anno 1623. planting his patron, and with this view had united himself to the Spanish faction; but finding, from the timidity and weakness of James's conduct, that the favorite would in the end be victorious, he heartily chimed in with his measures, and not only informed him of every particular circumstance in the late combination carried on by the Spanish ambassador, but drew up a refutation of the whole charge alledged by that minister against him.

Parliament.

The parliament met on the twelfth of February, 1623. The King's speech to this assembly was an echo of the new-adopted sentiments of the favorite, and its contents a direct contradiction to his former doctrines on the like and every other occasion. "The properties and causes of calling a parliament, says he, are to confer with the King, and give him advice in matters of the greatest weight and importance."

King's
speech.

Parl. Hist.
vol. VI. p. 4.
& seq.

He then tells them, "That the present purport of their meeting is to give him their counsel in the most interesting matter which ever could concern a king; that though he had been upon a treaty with Spain for many years, the situation of his affairs continued doubtful till he sent the prince to Madrid, with the man he most trusted—Buckingham; that on their return he found himself as far disappointed of his end, as if he had been waked out of a dream." He is content that his secretaries, on the information of his son and Buckingham, shall relate unto them all the circumstances of the Spanish management, and what he is likely to obtain; and that when they have heard all, *super totam materiam*, he shall entertain their good and sound advice. "One particular, says he, I must remember you of, because it hath been much talked of in the country,

try, that I should be slack in my care of religion. My lords and gentlemen all, I pray you judge me charitably, as you would be judged; for I never made public or private treaty, but I always had a direct reservation for the public weal and the cause of religion, for the glory of God and the good of my subjects; I only thought good sometimes to wink and connive at the execution of some penal laws, and not to go on so rigorously as at other times, but not to dispense with any or to forbid or alter any which concern religion, I never promised or yielded; I never did think it with my heart, nor spoke it with my mouth.—My lords and gentlemen, adds he, it is not enough, although you are never so willing to give me your advice: for to plant will not serve the turn, if I, like a good gardiner, as well as plant do not weed away from the roots, and remove the obstacles which hinder your so-good advice, of which the whole weed and manifest hindrance which can be is your jealousy of me; free me from that, and for my actions I dare avow them before God and his angels; but jealousy hath a deep sting; take away that, and nothing can do me harm: You are my wife, and jealousy is subject to a wife, therefore remove it, and be not jealous of me. For matters of privilege, liberties, and customs, be not over curious; I am your own kindly king, ye never shall find me curious in these things: Therefore do what you ought, and no more than your lawful liberties and privileges will permit, and you shall never see me curious to the contrary; I had rather maintain your liberties than alter them in any thing; shew a trust in me, and go on honestly as ye ought to do, like good and faithful subjects; and what you have warrant for go on

Anno 1623. with, and I will not be curious, unless you give me too much cause. The next thing is, to beware that you take not in hand the maintaining of idle questions among you, which spoils good business: Remember, beware of genealogies and curious questions, as St. Paul speaks; and do you keep to the ground and gravity of the great business for which I called you; and next, for all other things which are for the great and good governing of this kingdom. Let not any stir you up to law-questions, debates, quirks, tricks, and jerks, but continue yourselves in that honest modesty whereby you may have my prayers to God for you, and procure the love of me, and a happy end to this parliament. God judge me, I speak as a Christian prince; never man in a dry and sandy desert, where no water is, did thirst more in hot weather for drink, than I do now for a happy conclusion of this parliament. I now hope, after the miscarriage of the last, that this may prove happy; I am neither curious nor captious enough to prevent it. Eschew all occasions of curious questions, which may hinder you in this great cause for which I have called you, and remember that spending of time is spoiling of business. And I hope in God, and that by a faith in God, that by your actions this parliament I shall clearly see your hearts, and that you are the true representative body of my subjects; for you know in your conscience, that of all the kings which ever were, I dare say, never was king better beloved by his subjects than I am: Therefore, be you true glasses and mirrors of their faces; and be sure you yield the true reflections and representations as you ought to do. And this doing, I hope you shall not only find the blessing of God, but also by these actions

actions procure the thanks and love of the whole people, for being such true and faithful glasses. Lastly, you shall never find me desire any thing of you but what shall tend to the common good and weal of the kingdom.” Anno 1623.

Sir Thomas Crew was chosen speaker to this parliament: He was one of the members who distinguished themselves in the last, and one of those, who, on its dissolution, was sent over on a frivolous errand to Iréland. His speech to the throne was decent and popular; he testified a desire that all the good bills brought in last parliament against monopolies, informers, and concealers, might pass in this; that the good laws for religion might be confirmed; and that the Jesuits and seminary priests, by the execution of those good laws, might, like a generation of locusts, with an East wind, be blown over the sea. He expatiated on the excellency of the common law of England; on the advantages of the King's wants being supplied in a legal manner by parliament, rather than by other courses; on the good effects of concord; and called the transactions of the last assembly parliament-nullities. The lord-keeper Williams answered this speech in a manner which shewed it had been little relished by the King and ministry: He vindicated the management used to the Roman Catholics, and the late demanded benevolence; took occasion to extol Buckingham on the subject of the navy, but reprimanded the speaker “for calling to remembrance the abortives of the late parliament.” Speaker chosen.

The subject on which the King had demanded parliamentary advice was entered upon with great eagerness by both houses, and Buckingham was immediately called upon to lay before them the Spanish treaty laid before the house.

Anno 1623. whole of his negotiation in Spain: This he did in a very artful manner. The generalities of his account were pretty much the same as have been given before in this History. To these were added many circumstances favorable to his own conduct, and blackening to that of Bristol; others were exaggerated; others softened, as they tended to these purposes. Though these circumstances were afterwards strongly refuted by the accused minister, they were at this time affirmed by the prince, who was called upon by Buckingham to vouch for their truth.

The Spanish ambassadors were so fired at the reproaches thrown upon his Catholic majesty in the course of the narration, that they publicly complained of the affront; with an assertion, that if a subject of their master had spoken in the like disrespectful terms of the King of England, he would not have escaped with impunity. This appeal was looked upon by both houses as an insolent attack on their privileges, and an address was immediately sent up to the King, declaring the duke free from the aspersions thrown upon him by the ambassadors; that he had delivered nothing in his narration but what he was led unto by the matter itself, wherein he was so far from transgressing, that he deserved thanks and honor.

The present popular conduct of the favorite, and the colorings he had thrown upon his negotiations at the court of Madrid, gained him so much real or seeming good will of the patriot members, that he was styled in the house of Commons the Savior of the nation. An address was sent up to the throne from both houses, signifying, "That the treaties could not be longer continued, either with the honor of his majesty, the

the safety of his people, the welfare of his children, or the security of his antient allies and confederates." James gave the parliament to understand, " That if they obliged him to enter into a war, the whole burthen of it must fall upon the people, his own estate being not sufficient to defray the ordinary expences of government." This representation was answered by a declaration of the Lords and Commons, in which the King was assured, " That on the dissolution of the treaties they would be ready to assist him in a parliamentary manner, both with their persons and abilities." James now thought of making his advantage of the present cordiality which subsisted between him and his subjects, and at once demanded the enormous sum of five subsidies and ten fifteenths for the war, and one subsidy and two fifteenths yearly till he had cleared himself of his debts; or if they would make it six subsidies and twelve fifteenths for the war, he would drop the last demand. To this was affixed a condition, that the money granted for the war should be put into the hands of commissioners appointed by parliament *.

* The insincerity of the King's intention towards the parliament in this business, in which he promised to be guided wholly by their advice, may be seen in a letter Buckingham wrote to him on the occasion of his fluctuating conduct.

" Dear dad and gossip,

" Having more business than it was fit to speak to you within a letter, I was once resolved to have waited on you myself; but presently came to me the news of the Spanish ambassador's going to you, which hath diverted my resolution at this time; because I will not encrease that in you which I have always found too much, and that I will not let the ambassadors think you are distrusted, though this gives enough and too much to your people. I have, to ease your labor, writ some things to Aran, by whom I likewise expect

Anno 1623.

The Commons were not so intoxicated with their zeal for a rupture with Spain, or so taken with the plausible terms of the supply, as to abate of their carefulness in parting with the money of the subject. They entered into a long debate on the demand: Sir Edward Coke, in a speech upon the occasion, produced a calculation of the whole which such a grant would amount to; he estimated it at nine hundred thousand pounds, a larger sum, he said, than all

an answer; only I will trouble yourself with this, that I beseech you to send me your plain and resolute answer, whether if your people resolve to give you a royal assistance, to the sum of six subsidies and **** fifteenths, with a promise in case of necessity to assist you afterwards with their lives and fortunes, whether then you will not accept it, and their counsel to break the match, with the other treaties; and whether or no, to bring them to this, I may not assure some of them underhand (because it is feared when your turns are served you will not call them together again, to reform abuses and grievances, and the making of laws for the good government of the country) that you will be so far from that, that you will rather win them, desiring nothing more than their love and happiness, wherein your own is included. Sir, I beseech you think seriously of this, and resolve once constantly to run one way; for as long as you waver between the Spaniard and your own subjects, to make your advantages of both, you are sure to do it with neither. I should for my own contentment, though I am sure I do you some service here, and would be able, if you would do openly and heartily with me, do you more, and wait on you oftener; but that you go in two ways, and myself in one, it occasions so many disputes, that till you be once resolved, I think it of more comfort and ease to you, and safer for me, that I bide away; for to be of your opinion would be flattery, and not to speak humbly my own would be treachery: Therefore I will at this time, with all the industry of my mind, serve you here, and pray for the good success of that, and the lengthening your days, with all the affections of his soul, who will live and die in love with you,

Your majesty's most humble slave and dog,

Guthrie, p. 304.

Stenny."

England

England could raise with any conveniency. The resolution of the debate was an offer of three subsidies and three fifteenths, as the first fruits of their good will *, with a promise of a farther assistance, if, in the course of the war, it should become necessary. James's affairs were at present too much embarrassed to make a retreat. He accepted of the three subsidies and the three fifteenths, on the same terms he had offered for six; and a messenger was dispatched to Madrid with his resolution to break off farther correspondence with that court †.

Anno 1623.

Rupture
with Spain.

The Commons, who had by this time intimations of the new treaty of marriage which was carrying on at Paris, drew up a severe petition against the Papists, and voted that a return should be made to their house of all the names of Popish recusants throughout England, who were in offices of profit, trust, or power ‡. Buckingham, who feared that if James was made

Anno 1624.

Petition
against Po-
pish recu-
sants.

* Four entire subsidies were granted by the clergy.

† When this was publicly known, the city of London testified their approbation by bonfires, ringing of bells, and other demonstrations of joy. *Rusworth.*

‡ On the report of this petition, James dispatched the following letter to secretary Conway;

“ I doubt not but you have heard what a stinging petition against the Papists the lower house have sent to the higher house this day, that they may jointly present it to me. You know my firm resolution not to make this a war of religion; and seeing I would be loth to be coney-catched by my people, I pray you stay the post which is going into Spain, till I meet with my son, who will be here tomorrow-morning. Do it upon pretext of some more letters you are to send by him. And if he should be gone, hasten after him to stay him, upon some such pretext; and let none living know of this as ye love me; and before two in the afternoon tomorrow you shall, without fail, hear from me. Farewell.

“ April 3, 1624.” *Rusworth*, vol. I. p. 140, & seq.

Anno 1624. desperate he might break through his trammels and dissolve the parliament, prevailed on the popular leaders in both houses to moderate it before it was sent up to the throne *.

* To bring the Commons to this moderation, the prince affected an entire similitude of sentiment; and professed, under the bond of an oath, "That whensoever it should please God to bestow upon him any lady who was Popish, she should have no farther liberty but for her own family, and no advantage to the recusants at home." The following is the petition which was presented to the King:

"May it please your most excellent majesty;

"It having pleased your majesty, upon our humble suit and advice, to dissolve both the treaties, to our great joy and comfort, we, your majesty's most faithful and loyal subjects, the Lords and Commons assembled in parliament, do in all humbleness offer to your sacred majesty these two petitions following.

"First, that, for the more safety of your realms, and better keeping of your subjects in their due obedience, and other important reasons of state, your majesty will be pleased, by some such course as your majesty shall think fit, to give present order, that all the laws be put in due execution which have been made and do stand in force against Jesuits and seminary priests, and all others who have taken orders by authority derived from the see of Rome, and generally against all Popish recusants; and as for disarming them, that it may be according to the laws, and according to former acts and directions of state in the like case; and yet that it may appear to all the world the favor and clemency your majesty useth towards all your subjects, of what condition soever; and, to the intent the Jesuits and priests now in the realm may not pretend to be surprized, that a speedy and certain day may be prefixed by your majesty's proclamation, before which day they shall depart out of your realm, and all other your highness's dominions; and neither they, nor any other, to return or come hither again, upon the severest penalties of the laws now in force against them; and that all your majesty's subjects may be thereby also admonished not to receive, entertain, comfort, or conceal, any of them, upon the penalties and forfeitures which by the laws may be imposed upon them.

"Secondly;

These are the King's protestations in his answer to this petition: For my part, I protest before God that my heart hath bled when I have heard of the increase of Popery; God is my judge that it hath been such a great grief to me, that it hath been as thorns in my eyes and pricks in my sides; and, my lords and gentlemen, you shall be my confessors, that if I knew one way better than another to hinder the growth of Popery, I would take it: For knowing what I do, and being persuaded what I am, I could not be an honest man, and do otherwise. To this James added, "That he would not only grant the substance of what was desired in the petition, but add something more of his own; that he would take order for the shameful disorder of the resorting of his subjects to all foreign ambassadors, and consider of a method to reform the education of children born of Popish parents."

"Secondly, seeing we are thus happily delivered from that danger which these treaties now dissolved, and that use which your ill-affected subjects made thereof, would certainly have drawn upon us, and yet cannot but foresee and fear lest the like may hereafter happen, which will inevitably bring such perils into your majesty's kingdoms, we are most humble suitors to your gracious majesty, to secure the hearts of your good subjects by the engagement of your royal word unto them, that, upon no occasion of marriage or treaty, or other requisite in that behalf, from any foreign prince or state whatsoever, you will take away or slacken the execution of your laws against Jesuits, priests, and Popish recusants.

"To which our humble petitions, proceeding from our most loyal and dutiful affections towards your majesty, our care of our country's good, and our own confident persuasion that these will much advance the glory of Almighty God, the everlasting honor of your majesty, the safety of your kingdoms, and the encouragement of all your good subjects, we do most humbly beseech your majesty to vouchsafe a gracious answer. *Parl. Hist.* vol. VI. p. 128, & seq.

Every

Anno 1624.

Every circumstance of the peoples' grievances, either in point of foreign trade or domestic impositions, were at this time, with unrestrained liberty, canvassed in the lower-house. A private pique entertained by the prince and the favorite against Lionel Cranfield, earl of Middlesex, the present lord-treasurer, induced them to encourage inquiries, to which he was the destined victim. In a conference between the two houses, Sir Edward Coke laid open a charge against him for bribery and various misdemeanors in the execution of his offices. At this conference he claimed for the Commons the right of being the inquisitors-general of the grievances of the kingdom, and shewed that they were so appointed by the wisdom of the state for three several causes :

Earl of Middlesex prosecuted.

I. Because they have best notice from all parts thereof :

II. Because it is not the nobility, but the weakest commons, who go to the wall :

III. As in a natural body not the disease, but the neglect of cure, killeth, so the long delay of grievances ; and this would happen if they were not found out by the Commons.

After a tedious trial, the accused was found guilty of malversation in the several offices of master of the wardrobe, master of the court of wards, and treasurer. The following sentence was passed against him by the Lords :

His sentence. That he should be deprived of all the offices which he held in the kingdom :

That he should be incapacitated from holding any office, place, or employment, in the state or commonwealth :

That he should be imprisoned in the Tower of London during the King's pleasure :

That

That he should never sit more in parliament; Anno 1624.
and,

That he should never come within the verge of the court *.

This state-officer had been brought up to trade; he had received most of his education in the custom-house, and was from thence introduced to Somerset as a man of a projecting head, and who, from an acquired knowledge in the customs, might be serviceable towards the forming and executing plans to encrease the King's revenue. He made himself so useful to Buckingham, that he was by that favorite promoted to the highest offices, at length married to one of his kinswomen, and obtained the titles of baron Cranfield and earl of Middlesex; he had rendered himself very agreeable to James by a seeming assiduity in his service; and this circumstance, with the affluence of his fortune, made him throw off that humble carriage to his patron which was exacted from all his creatures. Hence arose the animosity which produced his disgrace. The prosecution was an invidious one, and the charge brought against him not very material: But the Commons were actuated with a laudable zeal of rendering exemplary, and sacrificing to justice, those harpies in office who preyed upon the vitals of the commonwealth.

* On the first complaint which was made against the earl of Middlesex in the lower house, he offered to justify himself by his counsel: This created a jealousy in the Lords, that it might trench deep into their privileges, for a member of their house to answer an accusation in the house of Commons. On the lord-treasurer's request they waved this formality; but an order was made, "That hereafter no member of the house of Lords should, without licence, answer any complaint in the house of Commons, either in person or by his counsel." *Parl. Hist.* vol. VI. p. 133.

Anno 1624.

It was not without grounds that Cranfield flattered himself with a powerful protection from his master: James had the inclination, but not the ability, to serve him; he not only lamented his fate, but endeavored to form a party in his favor, and gave directions to Williams to make interest among the members to this purpose. These efforts were fruitless*; as fruitless were his expostulations to his son and to his insolent minion on the madness of their present conduct: He told the one, "That he was making a rod to scourge himself," and the other, "That he would have his belly-full of parliamentary enquiries."

A charge was now sent up by the Commons against Samuel Harsnet, bishop of Norwich; it contained sundry articles of divers extortions and superstitious ceremonies practised by himself, and exacted from others, in the government of his diocese. The Lords excused themselves from entering on this affair, and referred the examination of it to the High-commission court, with a promise to give judgment after they had heard their report. Harsnet had preached a sermon at Whitehall which gave great offence to the Commons, from the scripture-text, "Give unto Cæsar the things that be Cæsar's." He insisted that goods and money were Cæsar's (the King's), and therefore could not righteously be denied him. James appeased the anger of the Commons by telling both houses, "That the bishop failed in not adding, that goods were

* The regard to justice influenced some against him, and the awe of the prince and duke, others; so that Williams could obtain but one vote in his favor.

Cæsar's, according to the laws and customs of Anno 1624.
the land *.

The Commons, on hearing the King intended to put an end to the session in three or four days, sent a message to the Lords to the following effect: "That the difficulties attending the subsidy-bill had prevented their finishing many matters of weight then depending, for which reason they entreated their lordships to join in a petition to his majesty for a longer term." The prince of Wales, who was present when the message was delivered, undertook to move the King to grant the request. By the means of this intercession, James was prevailed on to prolong the session from Saturday the twenty-second instant to Saturday the twenty-ninth, on condition that neither of the houses would entertain any new matter. A list of all the Popish recusants in offices of profit, trust, or power, with a petition affixed to it, was sent up from the Commons to the Lords, with an invitation to join with them in a representation on that subject to the King †.

* This certain path to preferment, the bishop's flattering doctrine, conducted him at length to the possession of the see of York.

† In this list were sixty known or suspected Papists, and twenty-nine whose wives, children, and servants, were Papists. The petition affixed to it ends thus: "Now, in consideration of the great countenance hereby given to Popery, the great grief and offence to all your best-affected, true, and loving subjects, the apparent danger of the whole kingdom, by putting the power of arms into such hands as, by former acts of your majesty's council, are adjudged persons justly to be suspected, and themselves fit to be disarmed: Your said loyal and faithful subjects do most humbly beseech your majesty graciously to vouchsafe that the said lords and gentlemen above-named, for these important reasons, and for the greater safety of your majesty, and of your realm and dominion, may be removed from all your majesty's commissions
of

Anno 1624 The Lords excused themselves from the ungracious task by alleging, that it was a kind of judgment and condemnation of the party before the hearing the defence; which, they added, would affect their reputation as a court of judicature. Before the end of the session, the Lords came to these laudable resolutions concerning the extent of their privileges in the freedom of their servants and followers from arrest; viz. "That this freedom should continue but twenty days before and after every session; that all the Lords for the future be very careful in this point, and remember the ground of this privilege, which was only in regard that they should not be distracted by the trouble of their servants from attending the serious affairs of the nation; that therefore they will not pervert that privilege to the public injustice of the kingdom, which was given them chiefly that the whole realm might, in this high court, draw the clear light of justice from them, in which case every one ought rather to keep far within than any way exceed their due limits; that hereafter before any person be sent for in this kind, the lord whom he serves shall, either by himself or by message, certify the house, upon his honor, that the person arrested is within the limits of the privileges before expressed: And for the particulars, they must be left to the judgment of the house, as the case shall come in question; wherein the house wants no means, as well by oath as without, to find out the true nature of the servant's quality in his

of great charge and trust, commissions of lieutenancy, oyer and terminer, and of the peace, and from all offices and other places of trust." *Parl. Hist.* vol. VI. p. 322, & seq.

lord's

lord's service; thereupon if it be adjudged by Anno 1624. the house contrary to the true intent, any member whatsoever must not think it strange if, in such a case, both himself suffer reproof, as the house shall think fit, and his servant receive no benefit from the privilege, but pay the fees; because the justice of the kingdom must be preferred before any personal respect; and none to be spared who shall offend after so fair a warning."

The Lords seemed now to resent the severe precedent against the members of their house, in the case of the late treasurer. After having heard the report of their committee concerning judicature, they ordained, "That in all cases of moment the defendant should have copies of all depositions, both *pro & contra*, after the publication, a convenient time before hearing, to prepare themselves; and that on demand they should have learned counsel to assist them in their defence *. Likewise that it should be considered on the next meeting at what time and for what causes a member of that house should be brought to the bar."

On the twenty-ninth of May the parliament Parliament prorogued. was prorogued to the second of November next ensuing. The Commons had prepared all the depending bills for the royal assent †, and for

* These indulgencies had been denied in the case of the earl of Middlesex.

† Acts passed this session.

1. An act for making perpetual an act made *anno 39 Eliz.* entitled, "An act for the erecting hospitals and work-houses for the poor."

2. An act for the quiet of the subject against concealments.

3. An act concerning monopolies, and dispensations with penal laws.

4. An

Anno 1624. this one time they parted with the King in seeming good humor.

4. An act for the ease of the subject concerning informations upon penal statutes.

5. An act that sheriffs, their heirs, &c. having a *quietus est*, shall be discharged of their accounts, with the judges' opinion therein.

6. An act concerning women convict of small felonies.

7. An act to repress drunkenness, and to restrain the haunting of inns, &c.

8. An act to punish abuses in procuring *superfedeas* of peace out of the courts of Westminster, and to prevent the abuses in procuring writs of *certiorari* out of the said courts.

9. An act for the free trade of Welsh cloths, &c. in England and Wales.

10. An act to repeal a branch of the statute an. 34 Hen. VIII. entitled, "An act for certain ordinances in the King's dominions and principality of Wales."

11. An act for confirmation of a judgment given for his majesty in a *scire facias* against Henry Heron, and for declaration of the letters-patent therein mentioned to be void.

12. An act to make perpetual the act for ease in pleading against troublesome suits prosecuted against justices of the peace, mayors, &c.

13. An act for the farther reformation of jeofails.

14. An act to admit the subject to plead the general information of intrusion brought in the King's behalf, and to retain his possession till trial.

15. An act to enable judges to give restitution of possession in certain cases.

16. An act for limitation of actions, and for avoiding of suits in law.

17. An act against usury.

18. An act for the continuance of a former statute made 4 Jac. entitled, "An act for the true making of woollen cloth."

19. An act for the farther description of a bankrupt, and relief of creditors against such as shall become bankrupts, and for inflicting a corporal punishment upon them in such a case.

20. An act to prevent cursing and swearing.

21. An act concerning hostlers and innholders.

22. An act for explaining a statute an. 3, 4, 5 Ed. VI. concerning the traders of butter and cheese.

23. An

James's condescension in permitting the parliament to be their own treasurers turned out to be a piece of gross king-craft: On accepting the subsidies he made the following declaration: "I desire you to understand, said he, that I must have a faithful secret council of war, which must not be ordered by a multitude, for so my designs may be discovered before-hand. One penny of this money shall not be bestowed but in sight of your committees: But whether I shall send two thousand or ten thousand, whether by sea or by land, East or West, by diversion or otherwise, by invasion upon the Bavarian or the

23. An act to avoid delays by removing of actions out of inferior courts.

24. An act for relief of creditors against such as die in execution.

25. An act for relief of patentees, tenants, and farmers of crown lands and duchy lands.

26. An act against such as shall levy any fine, suffer any recovery, knowlege, any statute, recognizance, bail, or judgment, in the name of any person not privy thereunto.

27. An act to prevent the murdering of any bastard children.

28. An act to continue divers statutes and repeal others.

29. An act to enable Prince Charles to make leases of lands parcel of the duchy of Cornwall, or annexed to the same.

30. An act to assure York-house and other lands to the King, and to assure the manors of Brighton Santon and other lands to the archbishop of York.

31. An act for the good government of the makers of knives in Hallamshire, in the county of York.

32. An act to make the Thames navigable from the Berkat to Oxon.

33. An act for the subsidies of the clergy.

34. An act for three subsidies, three fifteenths, and tenths, granted by the temporality, with the judges' opinion.

35. An act for the King's general pardon.

Private acts 38. *Vide Statutes at Large. Vide Rushworth.*

Anno 1624. emperor, you must leave that to your King." Thus, though the parliament had appointed their receivers, and their council of war, yet, as these commissioners were to answer all money-draughts made upon them by the crown, the power was nothing more than nominal, and a device of Buckingham's to cajole the Commons into a liberal grant.

The jealousy which the Lords conceived lest the lower house should get an increase of privileges by this joint power, and the want of precedent for drawing up such a bill, made it a work of time and difficulty: Notwithstanding the judges had given it as their opinion that there was nothing in this act which could impeach or blemish the privileges of the higher house, or add to those of the lower, save in the case in question, the Lords entered a protestation, that no word, matter, or thing, in this act, should be construed hereafter to make any alteration in the jurisdiction, power, privilege, or authority, of either house. So active was this aristocratical assembly, in all these points of partial privilege.

Marriage-
treaty with
France.

The proposal of a marriage between the prince of Wales and the princess Henrietta, had been received by the French court with evident marks of extreme satisfaction. Their natural jealousy of the house of Austria was at this time much augmented by some late attempts of the Spaniard upon the boundaries of France *, and the additional strength which this formidable neighbor was on the point of attaining, by an union with a naval power, gave them the most alarming apprehensions. Besides these considerations,

* This was the Valteline, which country Spain had seized.

which

which engaged the French monarch to wish the dissolution of the late treaty between the crowns of Spain and England, an alliance with the latter was much to be coveted by himself: His Protestant subjects could never be totally extirpated, if properly supported by their brethren in England, and the offered union with the Stewart family would probably deprive them of such an assistance. This being the opinion and disposition of the French ministry, it is no wonder that James's ambassador met with the most cordial reception: Among many high compliments, Lewis told him, "That he had rather have the prince of England for his brother-in-law than any man in the world; that in the terms of this desired union he should not be directed by the pope, but agree to such as did consist with reason."

Spain at this time had not given up all thoughts of renewing the interrupted treaty. A juncture thus favorable might have enabled James, with any degree of conduct, to have concluded the alliance on safe and honorable terms; but his vehemence was so apparent that the French court altered their tone, and told his ambassador, the earl of Holland, to whom the earl of Carlisle was at this time joined in commission, "That the same favorable articles for the Roman Catholics were expected as had been before yielded to Spain. No interruption of the negotiation followed these new and high demands*. They

* André du Chesne, a French author, writes in the following manner on this treaty:

"La recherche & proposition que les ambassadeurs Anglois firent de l'alliance du prince fils unique du roi leur maitre avec madame fille de France, fut si agreablement receve du roi tres Chrestien, & de ses principaux conseillers, qu'ils nommerent aussi tost des commissaires pour travailler avec eux au traité du mariage, mais on eut sujet de douter

Anno 1624.

were immediately complied with by the ambassadors, with these only exceptions:

That a toleration should not be granted in the public articles, nor a church in London allowed to the Roman Catholics. To balance this, the children were to be brought up under the care and inspection of the princess Henrietta till the

s'il se pourrait contracter sans les conditions desirées par le roi de la Grande Bretagne & ses sujets tant Protestant que Puritains. Car de penser obtenir les mesmes avantages pour les Catholiques d'Angleterre, que le roi d'Espagne avoit demandez, puis-que ces Protestant & Puritains les jugeoient repugnans au repos de leur estat, & que leur roi mesme leur avoit persuadé qu'il n'avoit rompu avec l'Espagne qu'en cette consideration, il y avoit bien peu d'apparence. Neant-moins le marquis d'Effiat ayant esté choisy pour negocier une si importante & difficile affaire, en qualité d'ambassadeur extraordinaire, il en fist reussir le succez a l'honneur du roi, & de toute la France. Car en premier lieu il obtint que pour la seurte des Catholiques Anglois, le roi d'Angleterre, & le prince de Galles, son fils, bailleroient des actes solempnels, & feroient serment sur les saints evangelies. Secondement, au lieu que les Espagnols s'etoient contentez d'une vingt-aine de simple prêtres pour la princesse & toute sa cour, on lui accorda qu'elle auroit vingt-six ecclesiastiques de tels ordres qu'il lui plairoit les choisir avec liberté de porter l'habit de leur ordre en public. Il obtint de plus que les enfans qui naitroient du mariage seroient nourris & elevez a Catholiques aupres de la princesse jusqu'à l'age de treize-ans, bien que les Espagnols se fussent relachez a dix. Et n'eut esté que le marquis de la Vieuville, qui pour lors avoit la principale autorité aupres du roi tres Chretien, passa des le commencement trop de choses dans les conditions du traité, l'on eut encore beaucoup mieux pris ses avantages pour le bien de la religion. Car il n'eust pas esté possible d'obtenir ce que dessus, s'il fut demeuré dans la meme autorité. Mais le changement qui arriva en donna le moyen. Le cardinal de Richelieu prenant le soin des affaires par le commandement du roi, il autorisa si bien les choses & negocia avec les ambassadeurs Anglois avec tant de prudence & de dexterité qu'ils furent contrains de ceder a ce puissant esprit. Ce qui donna plus de moyen au marquis d'Effiat de faire agreer en Angleterre ce qui avoit esté facilité en France."

Du Chesne, fol. edit. Paris, 1641, p. 1180, & seq.

age of thirteen ; and three private articles were Anno 1624. agreed to :

That the Catholics, both ecclesiastic and temporal, imprisoned since the last proclamation which followed the breach with Spain, should be all set at liberty :

That the English Catholics should be no more searched after, nor molested for their religion :

That the goods of the Catholics, as well ecclesiastic as temporal, which were seized on since the afore-mentioned proclamation, should be restored to them.

As haughty and insolent were the demands of France in regard to the temporal articles of jointure and fortune*, and equally abject were the concessions of James.

* Henrietta's jointure was to be sixty thousand crowns per year. If she was left a widow without children, her whole portion, which was eight hundred thousand crowns, was to be returned to her, to be disposed of as she pleased, she still enjoying her dower ; in case of children, two thirds were to be restored, the other third to remain to the children ; the two thirds restored to the mother to revert to them in case she died unmarried, or without children by a second marriage ; in the case of children by a second marriage, these children of the second bed to divide the two thirds with those of the first ; in the case of her dying before the prince, without issue, half of the portion was to be paid back to the king of France ; that the King of Great Britain should present her on her marriage fifty thousand crowns' worth of jewels, which jewels were to be her own property ; her jointure to be assigned her in lands, castles, and houses, one whereof to be made fit for her to reside in, and furnished suitably to a princess of her quality ; that she should have the free disposal of the offices and benefices of the said lands, part of which lands were to have the title of duchy or earldom ; that she should have liberty, whether she had children or not, to return to France with her household goods, jewels, diamonds, and portion, as specified in the articles above ; and in this case the King of England to conduct her to Calais at his charge. *Somers's Third Collection of Tracts*, 1751, vol. I. p. 262, & seq.

Anno 1624.
 Rapin, oct.
 ed. 1729,
 vol. IX.
 p. 588.
 & seq.

The whole negotiation on the side of Lewis was conducted by the artful minister Richlieu, who was at this time introduced into the French councils through the interest of the queen-mother. By his advice the archbishop of Ambrun was sent as a secret agent to intercede for the Catholics, but in effect to sound James's inclination towards the Popish faith. This prelate gained from certain Papists, who were upon a footing of familiarity with James, such useful intelligence that he soon found means to attain the highest degree of favor and confidence: Conferences grew frequent between them. One of these having turned upon a full toleration to the Catholics in England, and on the desire which James had of living in a strict union with the king of France, the archbishop acquitted himself so well, that the King, giving him a squeeze by the hand, told him, "That he perceived he was the man sent to him from God, to whom he might open freely his mind." After this, he went upon the chimerical project he had long planned for uniting all Christians in one form of worship*; and on an intention he had of calling an assembly of divines, both foreign and English, to be held at Boulogn or Dover, for the purpose of settling proper means to carry his project into execution. With this he put into the archbishop's hands a memorial on the subject, that being thus provided, he might begin the negotiation with the pope and the king of France, whilst himself undertook to deal with

* Cornwallis gives us the account of a long conversation he had with the duke of Lerma, on this subject of a general uniformity in the mode of Christian worship. *Winwood's Memorials*, vol. II, p. 461, & seq.

the king of Denmark and the Protestant princes Anno 1624.
of Germany.

This narrative of Ambrun is very much of a piece with the impertinent schemes and conceited opinions of James. He regarded religion in no other light than as a proper instrument to effect passive obedience in subjects: For this reason he treated the material points of faith which distinguish the Roman Catholic and reformed religions as mere school-questions, too insignificant to make a schism in the church, the best suited for the arbitrary purposes of princes, except in the one tenet of superior allegiance to the pope. This doctrine he wanted to inculcate to all sovereigns, and to form a kind of fraternal league, in which they should oblige the pope to give up this claim, and yield each other mutual assistance in quelling the rebellious opinions of their subjects*. It was with a view of such support from the Austrian family, that he had pushed on that alliance with all its disgraceful dangerous conditions.

He was at this time actuated by the same expectations in the present treaty with France, and assumed so much upon them, as to permit the archbishop of Ambrun, to administer public confirmation in the French ambassador's house to all who should apply: The number was so great, that the magistrates of London complained of

* He openly professed the following reason for abandoning the Palgrave's cause: That there is an implicit tie among kings, which obligeth them, though there be no other interest or particular engagement, to stick to and right one another upon an insurrection of subjects; therefore he had more reason to be against the Bohemians, than to adhere to them, in the deposition of their sovereign prince. *Howel's familiar Letters.*

Anno 1624. it; the King owned it was done by his permission. This was immediately after the strong declaration he had made to the parliament against such a practice: He was at this time so exalted with an expectation of brotherly friendship from the king of France, that he told the lords of the council, with a kind of transport, that Lewis was so much his friend as to offer to assist him in person if ever he should desire him: "Truly, adds he, he has gained so much upon me by this kindness, that in any thing which shall concern him I will employ not only my peoples' lives, but my own; and whatsoever of his subjects shall rise against him, either Catholics or others, shall find me a party for him."

The English ambassadors who were now negotiating the treaty of marriage in France, had orders to propose to that court a league against the house of Austria: Lewis's ministers listened to this proposal; but at the same time told the ambassadors, "That the league and marriage were two distinct things, which could not be negotiated together; but that after the conclusion of the marriage they would treat of the league."

The aid granted to the King the last parliament was computed to be considerable enough to send five-and-twenty thousand men into the Palatinate: Six thousand, under the command of the earls of Oxford, Southampton, Essex, and the lord Willoughby, were immediately embarked for Holland to join the army of the States. Though the united corps of Dutch and English made a considerable army, yet the prince of Orange could not prevent the town of Breda from falling into the hands of Spinola. During the siege of Breda, many of the English died by sickness:

sickness: This was the fate of the gallant earl of Oxford, who had been one of the volunteers who opposed the Spanish forces in the Palatinate. He was afterwards imprisoned for speaking freely against the Austrian match; on the return of the prince from Madrid, he obtained his liberty and the command of a regiment.

Other troops were levied to be under the command of Mansfeldt, who with these was to open a passage into the Palatinate: According to this resolution Mansfeldt came into England, and Lewis was pressed farther on the subject of the league, or at least to grant a free passage to the English troops through his dominions. Evasive answers were taken as certain promises, and Mansfeldt set out at the head of twelve thousand men, to make his passage through France into Germany. Preparatory to this march a demand was made of the city of Frankendale to the infanta Isabella, who, according to the treaty at London, was to deliver it up on the twenty-sixth of October. At the same time was demanded a free passage through the German territory, for the troops who were to be sent to garrison it. The infanta answered, "That she would freely surrender the town on the day appointed, to such as should produce a power from the king of England; that she would grant a passage through her own and the king of Spain's dominions, according to the words of the treaty; but to procure a passage for the British troops through the empire, she declared was not in her power, nor was she obliged to do it." To compleat this farce, on the twenty-sixth of October, the day in which Frankendale was to be re-delivered, Spinola with his troops marched out of the town, and finding none of James's forces ready to take possession,

Anno 1624. possession, he instantly re-entered, pulled down the arms of the king of England, and set up those of the king of Spain. The twelve thousand men under the command of Mansfeldt were embarked for the French coast in the month of December, the very depth of winter. When they arrived at Calais they were not suffered to land; after much time was spent in messages backward and forward between them and the court, the king of France positively asserting he had never promised to grant them a passage, they were forced to sail to Zealand *, where they met with the same difficulty as they had just experienced at Calais: The Zealanders excused themselves from receiving such a number of unexpected guests, on the pretence of a deficiency of provisions. During a tedious negotiation, in which messengers were sent to the Hague and afterwards to London, the pestilence seized the soldiers, and carried off above two thirds. Of the few who escaped the sickness, some deserted and some listed themselves among their countrymen in the service of the States. Thus was exemplified the utility of James's proviso, that the conduct and direction of the war must be left to the King. This refusal of receiving his troops was the second barbarous insult which he had received from the Dutch republic.

* The prince of Wales and the duke of Buckingham, who were at present the sole managers of the affairs of state, looked upon the assistance of France as a thing to be depended upon, Lewis being in a manner bound by the ties of friendship and interest. A dispute then subsisting between him and the king of Spain concerning the Valteline, the view of these shallow politicians was not comprehensive enough to take in the bigotted prepossessions which actuated this monarch, the arbitrary designs of his minister, or the variety of capricious principles which influence the measures of a court.

In the islands from whence the Portuguese and Spaniards had been driven by the States, the English, according to treaty, were to enjoy a third part of the trade. Of the English factories settled in these parts, a few families lived at Amboyna under the protection of a Dutch establishment. According to the nature of rivalry, an ill correspondence soon subsisted between the two people: A plot was trumped up against the English, as if they had formed a design to destroy the Dutch settlement; all of them were seized, examined, and put to a variety of tortures, which exceeded every diabolical invention of the kind which had been before known: Those who purchased relief by confession, retracted it with their dying breath; the greater part retained their fortitude, and expired under their tortures; a few who survived these cruelties were sent out of the island to other English plantations. Thus the whole factory was destroyed, and the Dutch remained sole masters of the trade *.

Anno 1624.

Massacre at
Amboyna.

* It is very probable that the late behavior of the Zealanders arose from the fear of admitting so large a body of English troops, lest they might have fallen upon some method of revenging the massacre of Amboyna. James had been upon ill terms with the Dutch for some time; in the year 1609 he issued a proclamation for preventing the promiscuous fishing of strangers on the British coast: The Dutch refused to comply with this proclamation, and defended their fishing vessels with a naval force. These spirited republicans had entertained a strong jealousy on the intended connection between the English and the Spanish courts: They resented the neglect James had shewn to the Protestant cause, in the base deserting his son-in-law, the elected king of Bohemia. This, with the contempt they had for his person and government, occasioned them to commit continual infringements in the treaty which subsisted between them and the state of England: They molested the English in their East-India trade, and in Greenland, where the citizens of London had eighteen ships employed in the whale-fishery;

Anno 1624.

Rapin,
vol. IX.
p. 586.

This catastrophe happened at the time when James had given up all hopes of the Spanish alliance, and when he was pushed on by the violent measures of his favorite to a rupture with that state. This being his situation, the friendship of the Dutch was too valuable to be hazarded by an ill-timed resentment; he was obliged to accept of their excuses, and to put up with this flagrant breach of faith, without exacting any kind of atonement. Humiliating as were these accumulated disgraces, the domestic ones sustained by him at this time he much more impatiently resented: Such was the despotism exercised over him by Buckingham, that on Bristol's arrival, he was constrained to send a command to him, to confine himself to his own house. According to repeated solicitations of the accused, commissioners were appointed to examine into the na-

fishery; these crews were surprised and murdered by the Dutch on pretence that they had an exclusive privilege of fishing on that coast.

Sir Thomas Wentworth, in a letter to Christopher Wandesford, Esq. gives the following description of the insults the English were subjected to at this time: "The States, writes he, have so well disciplined their men in the East-Indies, as that, directly in breach of the articles concluded by commissioners of us and them, concerning the carriage futuramente of our trade, they have cut off the heads of captain Towerfon and ten more of our principal captains and factors in these places; so as our merchants here protest to give over the trade; and so save yourself and other grave patriots the trouble of condemning their patent in parliament. And farther their lordships, to give us a proof how much they love our company, they daily cause their men of war to take all our merchant-ships trading into Brabant, or any part of the archduchess's dominions. And according to their virtuous example, the Dunkirkers, unwilling to be behind them, do the like by all our merchants trading into Holland, or any part of the States' country. *Guthrie. Carleton's Letters. Strafford's Letters*, fol. ed. 1739, p. 22.

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ture of his offence: After a minute interrogation Anno 1624. they declared, that they could find nothing blameable in his conduct. Notwithstanding this, his confinement was continued, and himself given to understand by Buckingham, "That he was much mistaken if he imagined his answers were satisfactory to the King, the prince, or to him (the duke); that his only way of regaining favor was to make the confession he had sent him." James exclaimed against such a treatment, and told Buckingham, "It was an horrible tyranny to make an innocent man declare himself guilty." Notwithstanding this, he could not obtain leave to admit him to his presence, as the offered terms had been refused, though he had solemnly promised such a permission.

James seems to have resigned himself to the present necessity with an intention of breaking from his thralldom on the first favorable opportunity. He was sensible that the authority which his insolent minion maintained over him, was entirely owing to circumstances arising from the familiarity which had subsisted between them, and from a temporary popularity, unsupported by character, principle, or capacity; an occasion would undoubtedly offer to throw him off, when he was again become the object of public odium; in this attempt he was certain of having assistance from men whose abilities were infinitely superior to those of his ungrateful servant, men by whom Buckingham was detested from motives of envy, and from the insolence of his carriage: Of these none were more inveterate than Williams, who had been long upon ill terms with his patron, on his attempt to undermine him in James's favor, and his opposition to him in council on the rupture with Spain. He had lately endeavored to
eradicate

Anno 1624. eradicate from his mind unfavorable impressions; by the most abject submission and affected zeal for his service; these endeavors had been fruitless, and Buckingham had shewn him such a strong testimony of his ill will, as to have made a push at him in the house of Commons the last session; but the complaints were thought too frivolous and too ill-grounded to bear an impeachment. In this situation, Williams's safety was incompatible with Buckingham's power, who had likewise a dangerous enemy in Bristol, on account of the strong evidence he could produce of his absurd conduct at Madrid, and his gross impositions on the nation by a false detail to the parliament of the transactions at the court of Spain. Such a concurrence of malice and matter could not fail to crush him at some unlucky period: Of this he was very sensible, when the death of the King at once dispelled his fears, and fixed his tottering situation.

Anno 1625.
Death of
the King.

About the middle of March James was seized with a tertian ague, which terminating in a fever, put an end to his life on the twenty-seventh of the same month, and in the fifty-ninth year of his age. During the course of his illness, he was so closely beset by Buckingham and his family, that the rest of the courtiers were not permitted to see him till he was in the last agonies. Without the knowledge of his physicians they applied a plaster to his side, and gave him a potion, the operation of which was followed by the fever that terminated his days. These circumstances, added to the criticalness of his decease, gave rise to suspicions of the darkest nature*; the prosecution

* See an Historical and Critical Account of the Life and Writings of James I. by the ingenious and accurate W. Harris, 8vo, p. 237, & seq.

of enquiries was timely put an end to by the authority of Charles, and the affair thus favorably consigned to an eternal uncertainty. Anno 1625.

James was of a middle stature, of a fair complexion, and a soft skin; his person plump but not corpulent, his eyes large and rolling, his beard thin, his tongue too big for his mouth, his countenance disagreeable, his air awkward, and his gait remarkably ungraceful, from a weakness in his knees which prevented his walking without assistance; he was tolerably temperate in his diet, but drank of little else than rich and strong wines. His person.
Weldon.

His character, from the variety of grotesque qualities which compose it, is not easily delineated: The virtues he possessed were so loaded with a greater proportion of their neighboring vices, that they exhibit no lights to set off the dark shades; his principles of generosity were tainted by such a childish profusion that they left him without means of paying his just obligations, and subjected him to the necessity of attempting irregular, illegal, and unjust methods of acquiring money. His friendship, not to give it the name of vice †, was directed by so puerile a fancy, and so absurd a caprice, that the objects of it were ever contemptible, and its consequences attended with such an unmerited profusion of favors, that it was perhaps the most exceptionable quality of any he possessed. His distinctions were formed on principles of selfishness: He valued no person for any endowments which could not be made subservient to his pleasures or his interest; Character.

† All his letters to his favorite Villiers are written in a style fulsomely familiar, many of them indecent, with very unusual expressions of love and fondness.

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Anno 1625. and thus he rarely advanced a man of real worth to preferment *. His familiar conversation, both in writing and in speaking, was stuffed with vulgar and indecent phrases. Though proud and arrogant in his temper, and full of the importance of his station, he descended to buffoonry, and suffered his favorites to address him in the most disrespectful terms of gross familiarity †. Himself affected a sententious wit, but rose no higher in these attempts than to quaint, and often stale conceits. His education had been a more learned one than is commonly bestowed on princes; this, from the conceit it gave him, turned out a very disadvantageous circumstance, by contracting his opinions to his own narrow views. His pretences to a consummate knowledge in divinity, politics, and the art of governing, expose him to a high degree of ridicule; his conduct shewing him more than commonly deficient in all those points. His romantic idea of the natural rights of princes caused him publicly

* His want of gratitude to the memory of his preceptor Buchanan, who had taken great pains to form his tender mind to virtue, and to teach him true policy and magnanimity, is one instance of his disregard to worth.

† The following familiar epistle is from Buckingham to King James: "Were it not that you might think me an incroacher upon your goodness, I should make a proposition for you to stay ten days at Theobalds, by which doing you might have the company of your sweet son, without whom we should neither play at cards, goffe, nor sit up for does at Huntingdon; whereas, if you stay at Theobalds but these ten days, you might have to wait on you not only a sound son, but a servant within and without as clean as a shilling. But if these reasons were not, I pray your sowlship how can you spend these ten days better in any other place." *MSS. in Brit. Mus.* fol. 6987, n. 106.

The reader is referred to Letters published by Sir David Dalrymple, 1762, p. 26, for another of the same sort, but much more grossly familiar.

to avow pretensions which impressed into the minds of the people an incurable jealousy; this, with an affectation of a profound skill in the art of dissembling, or of king-craft, as he termed it, rendered him the object of fear and distrust; when at the same time he was himself the only dupe to an impertinent useless hypocrisy. If the laws and constitution of England received no prejudice from his government, it was owing to his want of ability to effect a change suitable to the purpose of an arbitrary sway. Stained with these vices, and sullied with these weaknesses, if he is ever exempt from our hatred, the exemption must arise from motives of contempt!

Despicable as he appears through the whole period of his Britannic government, his behavior when king of Scotland was in many points unexceptionable; but, intoxicated with the power he received over a people whose privileges were but feebly established, and who had been long subjected to civil and ecclesiastical tyranny, he at once flung off that moderation which hid his deformities from the common eye.

It is alledged that the corruption he met with in the court of England, and the time-serving genius of the English noblemen, were the great means which debauched him from his circum-spect conduct. Among the forwardest of this worthless tribe was Cecil, afterwards earl of Salisbury *, who told him on his coming to the Weldon.

* In a speech which James made to the parliament in the year 1620, he excuses himself for his former conduct in that assembly, and says, that he was led by the counsellors of the late Queen.

The servile tools whom James had raised to the highest preferments in the state, bestowed the same tribute of absurd flattery to his memory as they had fed him with during his life.

Anno 1625. crown, “ That he should find his English subjects like asses, on whom he might lay any

The following is a character drawn of him by Williams, in a sermon he preached at his funeral :

“ I dare presume to say, you never read in your lives of two kings more fully paralleled amongst themselves, and better distinguished from all other kings, than king James and king Solomon. King Solomon is said to be *unigenitus coram matre sua*, the only son of his mother, so was king James ; Solomon was of a complexion white and ruddy, so was king James ; Solomon was an infant-king, *puer parvulus*, a little child, so was king James a king at the age of thirteen months ; Solomon began his reign in the life of his predecessor, so, by the force and compulsion of that state, did our late sovereign king James ; Solomon was twice crowned and anointed a king, so was king James ; Solomon’s minority was rough, through the quarrels of the former sovereign, so was that of king James ; Solomon was learned above all the princes of the East, so was king James above all the princes in the universal world ; Solomon was a writer in prose and verse, so, in a very pure and exquisite manner, was our sweet sovereign king James ; Solomon was the greatest patron we ever read of to church and church-men, and yet no greater (let the house of Aaron now confess) than king James : Solomon was honored with ambassadors from all the kings of the earth, and so you know was king James ; Solomon was a main improver of his home-commodities, as you may see in his trading with Hiram, and God knows it was the daily study of king James ; Solomon was a great maintainer of shipping and navigation, a most proper attribute to king James ; Solomon beautified very much his capital city with buildings and water-works, so did king James ; lastly, before any hostile act we read of in history, king Solomon died in peace, when he had lived about sixty years, and so you know did king James ; and as for his words and eloquence, you know it well enough,—it was rare and excellent in the highest degree. Solomon, speaking of his own faculty in this kind, divides it into two several heads, a ready invention, and an easy discharge and expression of the same,—“ God hath granted me to speak as I would, and to conceive as it is meet for the things spoken of,”—and this was eminent in our late sovereign : His invention was as quick as his first thoughts, and his words as ready as his invention ; he would first wind up the whole substance

burthen, and should need neither bit nor bridle but their asses' ears."

C H A P. IX.

State of the civil and ecclesiastical government of England at the accession of the Stewart family.—Causes of the change of government which took place during the administration of the Stewart family.—State of trade.—State of the finances during the reign of King James.

TO enable the reader to form just notions on the interesting transactions which brighten the following period of the English story, it may not be improper to enter into a detail of the state

substance of his discourse into one solid and massy conception, and then spread it and dilate it to what compass he pleased, "*Profluente & quæ principem deberet eloquentia,*" (as Tacitus said of Augustus) in a flowing and a princely kind of elocution; those speeches of his in the parliament, Star-chamber, council-table, and other public audiences of the state (of which, as of Tully's orations, "*Ea semper optima quæ maxima,*" the longest still was held the best) do prove him to be the most powerful speaker who ever swayed the sceptre of this kingdom; in his style you may observe the Ecclesiastes, in his figures the Canticles, in his sentences the Proverbs, and in his whole discourse *reliquum verborum Solomonis*, all the rest which was admirable in the eloquence of Solomon; how powerfully did he charge the prince with the care of religion and justice, the two pillars (as he termed them) of his future throne? how did he recommend unto his love the nobility, the clergy, and the commonalty in general? how did he thrust, as it were, into his inward bosom his bishops, his judges, his near servants, and * dis-
ciple of his whom he so loved in particular? and concluded with that heavenly advice to his son concerning that great act of his future marriage, to marry like himself, and marry where he would; but if he did marry the daughter of that king, he should marry her person, but not her religion.
Rushworth, vol. I. p. 160, & seq.

* Duke of
Bucking-
ham.

of the kingdom in regard to government at the accession of the Scottish line. It must be owned, that it was in many respects very arbitrary, and that the liberties of the subject were neither accurately defined, nor apparently defended. The terror of returning again to those civil distractions which the contest between the two families of York and Lancaster had occasioned, together with the ecclesiastical faction which broke out in this kingdom during the administration of the Tudors, had enabled that family to make pernicious encroachments on the legal rights of the subjects, stipulated by Magna Charta; time had given strength to these usurpations, and opposition in the people to the will of the sovereign was unauthorized by examples of modern date. The universal simplicity of manners which subsisted during the early periods of the English history, and continued till the latter end of the sixteenth century, rendered the wiles of power less intricate; but at the same time it occasioned in the people an aptness to put a dangerous confidence in their princes: Thus, when the violence of Henry VIII. had wrested the ecclesiastical jurisdiction over this country from the Roman pontiff, the people readily submitted to the crown of England's being vested with that large addition of prerogative; and regal authority attained without difficulty the supreme power in all affairs relative to the government of the church, and the conscience of the subject.

Though the English people had long groaned under the oppressive tyranny of the see of Rome, yet this in latter years had become more moderate in its effects: Many statutes had been made to defend the people against the inordinate claims of this spiritual prince; and by these
statutes

statutes individuals were in a great measure protected both in their persons and property: But when the same pretensions were united to the coercive power of civil magistracy, it appeared with all its former terrors, and became in reality the comprehensive engine of regal despotism. This disadvantageous change could not but be severely felt in the most early periods of its establishment, though the resentment had been suppressed by the zeal which at that time prevailed for reforming the doctrine of the church, and for emancipating the nation from foreign jurisdiction. This zeal was not subsided when the reformers met with a severe check by the succession of Mary, that bigoted Papist, who restored to the pope his authority, and reinstated the Catholics in the administration. The severities the Protestants suffered under this government erased from their minds every impression of evil less dreadful than that of a general and merciless persecution: Thus, when Elizabeth, who professed their principles and faith, possessed the regal dignity, they unanimously agreed to arm her with full powers to suppress opposition; and the High-commission court was re-erected in the very beginning of her reign. This was the supreme ecclesiastical tribunal, and was immediately under the direction of the crown. A conformity Hume. of religion was exacted through the whole kingdom, and every refusal of the ceremonies then established was liable to be chastised by this court with deprivation, fines, confiscations, and imprisonment. Any word or writing which tended towards schism or sedition was punishable by the High-commissioners, or any three of them; they were the judges what expressions had that tendency. These inquisitors were not limited to

proceed by legal information; rumor, suspicion, were sufficient grounds. To the party cited before them they administered an oath, by which they were bound to answer any question which should be propounded to them; this oath could not be evaded by any pretext, and a refusal incurred the punishment of imprisonment. The power of the Star-chamber, in civil matters, was as arbitrary as that of the High-commission court in ecclesiastical: Its authority was carried to this height by Henry VII. the first of the Tudor line. Nor was arbitrary jurisdiction the only en-
 sign of despotism which was attached to the monarchy of England: The dispensing power, the power of imprisonment, of exacting forced loans and benevolence, of pressing and quartering soldiers, of erecting monopolies, had been all exercised in their turns by the several sovereigns who preceded the accession of the Stewart family*. No wonder, therefore, that James united his darling idea of government to circumstances which appeared so entirely conformable to it. This appearance proved a deceitful one: Parliaments, viz. a right in the people of assembling

* So extensive was the authority of the monarchy at the accession of James, that Elizabeth had appointed commissioners for the inspection of prisons, with full discretionary powers to adjust all differences between prisoners and their creditors, to compound debts, and give liberty to such debtors as they found honest, and incapable of making full payment. This commission James renewed in the fifteenth year of his reign. *Hume.*

We find also another extraordinary act of power exercised by this King: On the erecting a new wall at his palace at Theobalds, a commission was given to a certain number of domestics to press into his service as many workmen as should be sufficient to complete the work in a short time, and to seize by force bricks, carts, tools, and every necessary material. *Rymer's Fœdera.*

by

by representatives, to assist at the making new laws, the abolishing old ones, or to give an assent or negative to extraordinary levies of money, a precious privilege; which the people had yet preserved from the ruins of the Gothic constitution, had in it many latent resources to preserve Liberty, which had given way, though not entirely yielded, to the encroachment of successful tyranny.

When James took possession of the reins of government, the opportunity to exert its rights with redoubled vigor was approaching; those circumstances which proved favorable to the criminal ambition of the Tudors were either feeble, or no longer existed; the apprehension of suffering religious persecution was converted into the dread of sinking into civil slavery: The formidable impression of domestic broils, which the bloody wars between the houses of York and Lancaster had occasioned, was now, by a long interval of peace, erased from the mind of the public. The Protestants beheld with the utmost regret themselves and posterity subject to a power which they had raised for the purpose of crushing their enemies; the lights which men had obtained from a disquisition into theological tenets, and the doctrine of ecclesiastical subjection, had enabled them to judge more rationally of the nature and end of civil subordination. Passive obedience to princes, that notion which, through the darker ages of the world, had been efficaciously inculcated into the minds of the subject, began to be treated with a scepticism which produced an entire revolution in the opinions of the intelligent. Elizabeth saw and felt this change; had life and empire continued, she would undoubtedly have sustained the mortification of beholding an entire

*Causes of
the change
of govern-
ment under
the Stewart
family.*

alteration in the conduct of the Commons, who had hitherto servilely complied with her imperious will. The short-sighted James was unable to account for the inconsistency he found between the theoretical and practical government of England; whilst the servility of the nobles confirmed him in the idea that he was in actual possession of a despotic power, the determined opposition of the Commons prevented him from bringing that idea to reality; a small degree of accuracy would have reconciled the seeming contradiction. Even in that early period it might have been discerned, that noble principles had taken deep root in the minds of the English people; that the progress of more enlightened reason would bring these to perfection; and the harvest of such fruit must infallibly produce an important change in the manner and constitution of the government.

The revolution in the Low Countries did not a little contribute to hasten such a disposition; The hearts of the English were fired with sympathetic virtue, at the example of that brave and resolute people, happily emerged from a state of servitude to a state of flourishing freedom. The revival of letters co-operated with these causes, to effect an alteration in the modes of thinking of the English nation. Those models of human glory, the histories of Greece and Rome, excited all to admire, the virtuous to a desire of imitation; and, whilst the composition of the antients delighted the taste, their science and precepts enlarged the mind, corrected the judgment, and improved the heart; whilst the theory of ancient politics became the study of the judicious learned, the recent success of the Dutch stimulated them with desire, and even distant hopes,

-of

of putting that theory into practice. It must be acknowledged that these exalted schemes were not universally adopted; they were entirely confined to the men of letters, and of these to the most virtuous kind: But the simplicity of manners which preceded this age, and that eager appetite for learning which accompanied its revival, occasioned their number to be extensive, when compared to the productions of modern times. It cannot be imagined that that stiff opposition, which appeared in all the parliaments throughout this reign, was directed by leaders who would have been satisfied with a temporary redress of grievances, or rather who would not have made use of all the advantages which offered to have enlarged to the utmost the system of Liberty. The completion of this was left to the more successful heroes of the following period, notwithstanding it had made a greater progress in this reign than was apparent; and the weak and absurd administration and conduct of the Stewart family ripened the execution of schemes which might more successfully have taken place, when time, with literature, had entirely dispelled that cloud of gross superstition which had long involved the European world. The continual complaints which the Commons in parliament preferred to James, on the enormities which proceeded from the arbitrary system of judicature subsisting at his accession, in some measure checked that tyrannical use of it which had been practised by Elizabeth. It has been mentioned by an ingenious historian, with an intention to do credit to this monarch, that the punishments inflicted by the High-commissioners during his reign were infinitely less in number, and those
more

more mild, than they had been under the administration of Elizabeth. Deprivations, fines, confiscation, and imprisonments, were judgments which then continually issued from this court: deprivation was the highest punishment inflicted in the time of her successor.

A long suspension from warlike exercises, though baneful to a luxurious state, was, to the people of England, an advantageous circumstance. A foreign war might have diverted them from an attention to domestic evils; and their manners were not at this time so effeminate as to endanger an attachment to an inglorious inactivity; idleness, servility, and their concomitant vices, were, in these happy days, only to be found among the servants and followers of the court. Candor, valor, integrity, a spirit of independence, and every other masculine virtue, were possessed in a high degree by the Commons of England, viz. of the male sex; whilst chastity, modesty, and industry, were the general characteristics of the females.

State of
trade.

Peace also was favorable to commerce; it is acknowledged by all historians, that trade increased much in this reign. The vigorous measures of the parliament heightened this circumstance by freeing it from several monopolies, an imposition with which it had been much fettered by Elizabeth *. It was in James's reign that

* Trade had been so much fettered by this arbitrary prince, that when James came to the throne of England the whole commerce of this country was centered in London: Its customs amounted to 110,000 l. per year; whilst those of all the other ports in the kingdom yielded only 17,000 l. The whole trade of London was also confined to two hundred citizens. The committee appointed to examine this grievance insisted on it as an avowed fact, that shipping and
seamen

English colonies began to flourish in America. A board of trade was erected by this King, to examine the efficacy of expedients which were proposed for the advantage of commerce. Agriculture, which was formerly imperfect in England, a most useful employment, rendered illustrious by the virtue of its followers*, received great improvement in this time, and the nation began to be more independant on foreign produce for their daily sustenance.

James's yearly revenue was 450,000 l. the subsidies which were granted him by the Commons and the clergy, money paid him by the States and the king of France †, with the sums he raised by extraordinary and illegal methods, amounted in the whole to 2,193,374 l.; which, divided into twenty-two equal portions, and added to his ordinary revenue, make an annual income of nearly 550,000 l. ‡, a trifling sum when compared to the modern expences of government §: But the inhabitants of this island were then free from the incumbrance, danger,

State of the finances.

Abstract, or brief declaration, of the state of his majesty's revenue, with the assignments and defalcations upon the same. Lond. 1692.

seamen had sensibly decayed during all Elizabeth's reign. *Hume*, 4to. vol. I. p. 16, & seq.

* The practice of husbandry, even to manual labor, was exercised by every rank of the Roman people, in the virtuous times of that illustrious republic.

† The sum of 60,000 l. due from Henry IV. to Elizabeth.

‡ To this account of the revenue may be added tonnage and poundage: the sum this tax brought in has never yet been calculated; the increase of trade, and the exorbitant impositions which were laid on merchandize in this reign, made it very considerable.

§ The difference of the valuation of money may be thought an objection to the comparison; but, according to Mr. Hume's account of the prices which several of the necessaries of life bore in these days, the difference is not so very great as has been generally imagined.

and

and charge of a standing army. The only burthen which the subjects bore was the supplying the luxury, parade, and prodigality of the court; and this was obtained from them by methods fraudulent and violent, disallowed by the legal forms of the constitution. They were defended from the evil of being oppressively taxed, under pretence of public utility, by the indefatigable diligence and sturdy opposition of their representatives in parliament, the guardians of the common weal.

THE HISTORY OF ENGLAND.

CHARLES I.

CHAP. I.

Accession of Charles.——His marriage.——A parliament at Westminster.——Second session of parliament at Oxford.——Naval expedition against Spain.——Third session of parliament.——Impeachment of Buckingham.——Dissolution of the parliament.

NO sooner had death closed the scene of Anno 1625.
Accession of Charles. empire to James, than his son Charles, invested with the reins of government, began his career with an impetuosity which left unregarded the forms of filial piety, or that decent shew of sorrow commonly practised on the joyful occasion of succession. The three points of settling the household, calling a parliament, sending dispatches to hasten the marriage, were determined the very day after the late King's decease. In a consultation on these subjects, Williams, the lord-keeper, began to feel the storm which had long lowered on his patron's brow : Hacket's
Life of Wil-
liams, 8vo.
p. 108, &
seq.

Anno 1625. His officious advice was disregarded, and a small request he made of a promotion for two of his domestics unanswered.

Charles was so forward to meet a parliament, that he proposed to wave the form of calling a new one, and to continue the last. Williams shewed that this was contrary to order, and that the parliament was dissolved with the death of the King. On being directed to dispatch writs from the Chancery, and not to lose a day, he set forth the conveniency of giving time for the King's servants and creatures to procure a promise for their elections, before the precise time of a following parliament was published. This interfering was treated with disapprobation; and Williams, on his return home, had the mortification of hearing that Buckingham had threatened to turn him out of his office. This would immediately have ensued, if the favorite's present hurry of affairs had permitted him to attend to such a trifling circumstance. His power and influence were, if possible, more extensive than they had been during the late reign: The charge of the war with Spain, the King's marriage, and the sole direction of the administration, were centered in himself; and his levity and vanity excited him to bring the queen from France, who was espoused * there in the King's name by the duke de Chevreuse †. On this occasion Charles gave a specimen of his intended government, by issuing out a pardon to twenty Romish priests, who had been convicted on acts of parliament. This was followed by an order to the lord-keeper, in con-

May 1.

* This espousal was made before James's obsequies were performed.

† The duke de Chevreuse was of the house of Guise, and of kin to Charles.

sequence of advice from Buckingham, to give Anno 1625. warrants to judges, justices, and officers spiritual and temporal, to forbear all manner of proceedings against recusants. His next act of regal authority was to raise twelve thousand men * for the recovery of the Palatinate, at the expence of coat and conduct-money to the country, which was to be repaid by the Exchequer in four years. The legality of this measure, and a proclamation to put the martial law in execution during the repair of these troops to Plymouth, was not easily acceded to by the judges, among whom it had occasioned long debates.

The parliament, which had been summoned for the seventh of May, was prorogued till the eighteenth of June, on account of the arrival of the queen from France, whose nuptials had been His marriage. there celebrated with the highest degree of royal parade. She was received by Charles with equal pomp, though part of the ceremony was by necessity curtailed, on account of a plague which raged with great violence in the city of London and its neighborhood.

Charles represented to the parliament the necessity he thought they lay under to grant a large supply for carrying on the war in Germany †. Parliament. Rushworth, vol. I. p. 171, & seq. This was farther urged by the lord-keeper Williams, who, taking up the speech where the King had ended, shewed that the King's main reason for calling the parliament was to mind them of the great engagements for the recovery

* Two thousand of these were sent into Holland, to be replaced by the same number of old soldiers from thence.

† In the speech Charles made on this occasion he tells the Commons, " That he was brought up at the feet of Gamaliel; and therefore there was no doubt but he would be a keeper and maintainer of the true religion."

of

Anno 1625. of the Palatinate imposed on his majesty by the late King his father, and by themselves, who broke off the treaties with Spain; to let them understand that the succeeding treaties and alliances, the armies sent into the Low-Countries, the repairing the forts, and the fortifying Ireland, did all meet in one centre, the Palatinate; and that the subsidies granted in the last parliament for these purposes were already spent, with as much more of the King's own revenue. Though the Commons harped upon grievances not redressed, and demanded an account of the last money granted for the recovery of the Palatinate, yet the danger of keeping long together, by reason of the raging plague *, and an unwillingness to give a total denial to the request of their young King, determined them to grant two subsidies. They then petitioned a recess from parliament, on account of the sickness of the season. On this consideration they were adjourned, to meet on the first of August at Oxford †.

Parliament
adjourned.

It is evident from the smallness of their supply at a period so peculiarly interesting, that they had already entertained a strong jealousy of the present government, or rather that they perceived the same errors, vices, and follies, rooted in Charles, which had given rise to the numerous grievances of the last reign; and with this disadvantageous difference, that the vigor of youth might render the bad qualities of the son more perniciously active than were the like vices in the heavy and passive disposition of the father. No

* This plague carried off more inhabitants than that which happened in the year 1603, at the accession of James.

† According to the custom of several late parliaments, the first business which had been done in the house was to appoint a solemn fast.

change had appeared in the administration since the death of James: Charles had the same favorite, the same council, the same ministers, and all the offices of the kingdom continued in the hands of Buckingham's creatures, whose favor with the late monarch had been little in comparison to what he enjoyed with the present. Charles, at his accession to the crown, found his coffers empty, a large debt upon his revenue, with the additional burthen of an expensive war. Notwithstanding these unfavorable circumstances, he entertained the project of entirely subduing that spirit of Liberty which had already formed a strong party in the nation, and of settling on firm foundations a more unlimited authority than had been practised by any of his predecessors. Money was necessary for such an undertaking: This he fondly imagined could be easily obtained from the Commons, by the pretence of so popular a cause as the Palatinate-war. But he had to deal with an assembly, composed of individuals aptly culled for the important charge of defending the sacred rights of humanity. It was with astonishment and indignation they heard their King call upon them for the performance of engagements, the conditions of which had been notoriously violated by himself and father. It was well understood, that the Commons of England had no national antipathy to Spain: tyranny, and its supporter Popery, were the objects they engaged themselves to oppose; for this, and this only reason, they had joined with the favorite in breaking the connections with that court. They now found that the zeal of Charles and Buckingham sprang from a particular pique towards Spain; that they had contracted an alliance with a court equally noxious, and from

Anno 1625. which more was to be apprehended by reason of its vicinity; that the public appearance of priests in their vestments, and the dispensation of penal laws against recusants, realized the evils only apprehended from the Spanish match*. Nor was it without a disdainful resentment that this very respectable part of the legislature found their understandings insulted by a raw unexperienced King, and a contemptible minister. The mean collusion practised by the crown last parliament, to obtain an extraordinary supply, and the bad management of its first military attempt, convinced the Commons that the ministry were not to be trusted with so important a business as war; and the speech of the lord-keeper, which represented that not only the subsidies were already spent, but the revenue in debt, did not a little contribute to confirm them in this opinion.

At the very time when Charles was pleading necessity to the Commons in parliament, he was launching out into profuse and vain expences: His ambassadors, Carlisle and Holland, were maintained at a great charge, to vie with the gaudy magnificence of the French; and the parade with which the queen was conducted home by Buckingham, suited rather the circumstances of an Eastern monarch, than the more decent dignity of a limited prince.

The moderation the Commons shewed this session of parliament, in circumstances thus provoking and interesting, is one of the remarkable instances of that policy, temper, and sagacity,

* A chapel at Somerset-house had been built for the queen and her family, with conveniencies thereunto adjoining for capuchin-friars, who were therein placed, and had permission to walk abroad in their religious habits. *Rusbro'worth*, vol. I. p. 171.

with which the councils of this assembly were directed. But before their re-meeting at Oxford an incident had happened which would have rendered this moderation a pusillanimous and base desertion of the particular interest of their country, and the more general cause of Liberty and Religion. The French ministry had cajoled James into a promise to furnish Lewis with one ship of war and seven armed merchant-ships, to be employed against the Genoese. Buckingham, who was at this time warmly attached to the court of France, prevailed on Charles to lend these ships to be used at the siege of Rochelle, where they were to be filled with French soldiers and mariners, to be commanded by the duke de Montmorency. No sooner was this intention known than the whole crew mutinied. Vice-admiral Pennington, who had received particular orders from the favorite, would not apprehend them in this sense; notwithstanding repeated menaces and promises from the French, he refused to deliver up the ships, and sailed back again to the Downs. The Rochellers were alarmed, and sent over agents to solicit their detention; but Charles, taking the whole affair upon himself, sent express orders to Pennington to deliver up his own ship, and all the merchant-ships, with their furniture, to the French king's ministers. Authority alone was not sufficient to engage the commanders in an action so repugnant to conscience and honor; Buckingham had recourse to art and deceit: A rumor was spread that peace had been concluded between the French king and his Protestant subjects. On the discovery of the fraud, the captains of the merchant-ships maintained that the King had no right to dispose of their property, and prepared to sail away; but

Rushworth,
vol. 1.
p. 174, &
seq.
Whitlock,
fol. ed.
1682, p. 2.

Anno 1625. Pennington, who could no longer plead a misunderstanding of his orders, fired to bring them to *. The brave Sir Ferdinando Gorges broke through, and returned to England. The remaining ships were delivered to the French; all the officers and sailors, notwithstanding great offers made them, immediately deserted; not an individual among a crew of that licentious class of men, one gunner excepted, was found dissolute enough to serve against their distressed brethren the French hugonots. The miscreant was afterwards killed in charging a cannon before Rochelle: An incident so just and opportune, though a frivolous one, gave satisfaction to the whole nation. This black transaction entirely dissipated that fond popularity which every monarch obtains from the vulgar in the beginning of his government.

Parliament
at Oxford.

On the first of August, according to the appointed time of their adjournment, the parliament met at Oxford. The Commons renewed their complaints against the illegal screening of recusants. Sir Edward Giles produced a list of six priests, for whom, he said, he had seen a pardon, bearing date July the twelfth, the very day after his majesty had, as well by his own mouth as by the lord-keeper's, vouchsafed to return them such an answer to a petition for the suppressing of Popery, as gave them assurance for his performance thereof. This complaint, in a conference† between the two houses, was answer-

* In a letter from secretary Conway he was commanded to use all forcible means to compel them, even to sinking.

† On this conference the Commons ordered, "That, as the speaker and the whole house went up, if the Lords kept bare, to do the same; if they covered, then the speaker and the rest to do the same." *Parl. Hist.* vol. VI. p. 373.

ed by Williams; who affirmed, that he had received the pardon long before its date, but that he had deferred sealing it, in hopes that on the departure of the ambassadors, it might have been stopped; but that he having received a second command, sealed it at the next general seal. Williams likewise added, "That he wished a petition might be presented to the King to stay the like pardons hereafter." Charles, seeing that the Commons were engaged on the inexhaustible topic of grievances, without shewing any inclination to enter into the only business for which they had been summoned, sent for them to the great hall at Christ-church, where he again insisted on their engagements to give their utmost assistance towards carrying on the war with vigor *. Lord Conway and Sir John Cook, the two secretaries, enlarged upon this subject; withal acquainting the houses of the past and present state of continental affairs, with the money the crown had already expended on the war; that the charges of an army had appeared in parliament to be 700,000 l. a year; besides Ireland was to be fortified; the forts here repaired, and the navy re-instated. Then the lord-treasurer † added, that the late King, when he died, was indebted to the city of London 120,000 l. besides interest; for Denmark and the Palatinate 150,000 l. for his wardrobe 40,000 l.; that these debts lay upon his present majesty, who is indebted unto London 70,000 l. which he hath laid out for his navy, and for count Mansfeldt 40,000 l. for

* Charles began this speech with the following unpopular, not to say rude, address to the lower house: "My Lords, and You of the Commons."

* This was lord Ley, some time before lord-chief justice of the King's-Bench.

Anno 1625. mourning and funeral expences 42,000 l. for expences concerning the queen 40,000 l. and the navy would require to set it forth in the equipage which was requisite for the great design his majesty had in hand 300,000 l. When the house proceeded to take into consideration the King's speech, and the subsequent accounts, the officers and creatures of the crown alone moved for a supply; the rest of the assembly fell into high debates. Sir S. Weston moved to enquire into the cause of the supply desired, and the enemy against whom the preparations were destined; that the estates of the Papists who contributed to the enemy might be specially respected to supply the King. Sir Francis Seymour moved for a select committee to draw up a petition to the King, comprehending the heads of those things which the house should think proper to inform him in. Sir Edward Coke urged, that the necessities of the crown came by providence; that there was a leak in the government, of which leak such as these were the causes: Frauds in the customs, treaty about the Spanish match, new-invented offices with large fees, old unprofitable offices which the King might justly take away with the love of his people and his own honor, the presidentship of York and Wales, multiplicity of offices in one man, new tables kept in the King's household, made the leakage the greater, voluntary annuities and pensions, which ought to be stopped till the King was out of debt, and able to pay; lastly, that all unnecessary charges, costly diet, apparel, building, &c. increased the leakage; that understanding officers should be employed in the King's house to reduce it to its antient form; that the great offices for the defence of the kingdom

Journals of
Commons.
vol. I. p. 810.
& seq.

dom should be put into the hands of able men, Anno 1625.
 who have experience, such as admiralty-places,
 and others.

Sir Nathaniel Rich said, " That they ought
 not to refuse to give; but before they gave to
 represent their wants to the King; First, for re-
 ligion, to have his majesty's answer in full par-
 liament, and then enrolled: next, to know the
 enemy against whom war was to be made; the
 necessity of an advised council for governing the
 great affairs of the kingdom; the necessity of
 looking into the King's revenue; to have his
 majesty's answer concerning impositions on wines:
 And though the time was not now fit for the de-
 cision of all these points, yet a select committee
 to be appointed to set down the heads of them,
 and then to have the King's answer to them in
 parliament. The doing of this, added he, is no
 capitulation with his majesty, but an ordinary
 parliamentary course, as in the twenty-second of
 Edward III. and without it the commonwealth
 can neither supply the King, nor subsist."

Parl. Hist.
 vol. VI.
 p. 365,
 & seq.

In this debate Sir Robert Cotton made a long
 speech, in which he quoted the examples of past
 times to shew that want of œconomy in the
 crown had ever met with a severe censure from
 the parliament, and that those ministers who had
 helped to waste the public treasure had never
 escaped with impunity: " I am glad, concluded
 he, that we have neither just cause, nor unduti-
 ful dispositions, to appoint the King a council to
 redress those errors in parliament, as in the forty-
 second of Edward III. &c. &c. We only in
 loyal duty offer up our humble desires, that
 since his majesty hath, with advised judgment,
 elected wise, religious, and worthy servants, to
 attend him in his high employment, he will be

Anno 1625. pleased to advise with them together a way of remedy for those disasters in state brought on by long security and happy peace, and not to be led by young and single counsel."

Sir George More pressed for a committee; acknowledged that they were all bound in duty not to graft subsidy upon subsidy in one parliament. Sir George Goring moved, that the duke of Buckingham might be of the committee, to give satisfaction on any aspersions which might be cast upon him. Others argued against granting any supply before grievances were redressed; that the ordinary revenue ought to defray the ordinary expence of the crown; that the King ought to contribute to help the Palatinate's cause with his own estate; that the time of year was too far spent for the fleet to go out to service; that enquiry ought to be made whether the duke broke not the match with Spain out of spleen and malice to the condé Olivares, whether he made not the match with France upon harder terms, and whether the ships employed against Rochelle were not maintained with the subsidies given for the Palatinate *? that an enquiry be made to know by what counsels the present designs are begun, where the fleet is to go? and Sir Robert Mansel † to give his opinion of the intended expedition. Many reflections past upon the miscarriages of the duke in his several offices ‡. The resolutions of the house were, that

Rushworth,
vol. I.
p. 180.

* Some of these severe hints are only to be found in Rushworth; but there is no doubt of their having been flung out in parliament, as they are all noticed in a long speech of the duke of Buckingham.

† Sir Robert Mansel was a sea-commander of reputation, and had been employed with success in the naval expeditions in James's time.

‡ It was complained that pirates infested the seas, and that the protection of commerce was neglected.

religion

religion should have the first place in their debates, next the kingdom's safety, and then supplies. In consequence of this resolution, a long petition was sent up, setting forth the dangerous state of religion, and the remedies for the increasing evil. Charles gave a gracious answer to every clause of the petition, with large promises that all the grievances complained of should be redressed; and Buckingham, who imagined that the heat of opposition would be allayed by this condescension, made a long and florid speech, in which he represented the present state of the war, and answered the several objections which had been flung out by the Commons *. The lord-treasurer then produced a paper in which he had set down the conditions of the King's estate: 1. His debts; 2. The estate the King now stands in; 3. How it will be for the future.

Parl. Hist.
vol. VI. p.
394, & seq.

“ His debts to the city of London, and some gentlemen, borrowed upon privy-seals and lords bonds, were 120,000 l. to the wardrobe 40,000 l. to the king of Denmark 75,000 l. and the interest; arrears for pensions a large sum; to his household a large sum.

“ The anticipations made by the late King before they were due came to 50,000 l.

“ His engagements were for the pay of six

* To the objection that the eight ships lent to the French king were paid with the subsidy-money, and employed against the Rochellers, he answered, “ That those eight ships were maintained at the charge of the French king;” and added, “ It is not always fit for kings to give account of their councils; judge the thing by the event.”

This answer, which owns that both courts were in the secret that the ships were to serve against Rochelle, greatly inflamed the resentment the Commons had conceived against the ministry.

thousand

Anno 1625. thousand foot in the Low-Countries; of ten thousand foot under count Mansfeldt; and for the rigging, victualing, and providing the navy, not the like in the memory of this time.

“ Concerning the estate of the King, as it now stands, his father’s debts, anticipations, and engagements laid ill upon him; his own debts, as prince, came to 70,000*l.* at the least. The King’s estate, for the future, as in charges of continuance, consisted of ten articles: 1. Of debts unpaid, and interest; 2. old anticipations of 50,000*l.*; 3. anticipations of new 200,000*l.*; taken up by himself; 4. to the king of Denmark 30,000*l.*; 5. to count Mansfeldt 20,000*l.*; 6. to the Dutch 8000*l.*; 7. to Ireland 2600*l.*; 8. the queen’s allowance and diet 37,000*l.*; 9. to the king and queen of Bohemia 20,000*l.* *per ann.*; 10. preparations for defence of the realm, and seconding the navy.”

After reading this account the lord-treasurer alledged, that certain sums were omitted because they were not yet calculated; that no total was cast up, because he had no auditor: he promised that himself, or his subordinate officers, should be ready to give satisfaction to all or any of the particulars. This minute detail demonstrated to the Commons the folly of a Spanish war at this juncture; and, by exposing the extreme necessities of the crown, pointed out the favorable opportunity of limiting the exorbitant power it had assumed, by methods constitutional and feasible.

Journals of
Commons,
vol. I. p.
214, & seq.

They had shewn great satisfaction at the King’s answer to their petition on religious grievances; yet, in the essential matter of supply, they were so little swayed by empty promises, that though Charles condescended to ask two fifteenths, the value

value of 40,000 l. the Commons peremptorily re- Anno 1625.
fused to set so bad a precedent as to give twice in
one session of parliament. Sir Robert Philips
said that the arguments for giving were honor,
necessity, and safety, not honorable actions
grounded upon sound counsels; that necessity
had been the continual argument for supply in
all parliaments. Sir Francis Seymour said, it
was strange that the commons should be called
together only for a supply of 40,000 l.; it shew-
ed the King's necessities; that 140,000 l. had
been raised by places of honor sold, places of
justice were sold, and serjeants' places sold.
Sir Thomas Wentworth said, he feared the pass-
ing this precedent for so small a sum was to take
advantage of it for a greater hereafter. Mr.
Rolle argued, that if the necessity of money was
so great, now was the time to press for a redress
of grievances. Sir Edward Coke quoted prece-
dents of punishment inflicted on evil counsellors;
said, it was *malum consilium* to press more sub-
sidies, when two had been already given; and
added, that he would rather give one thousand
pounds out of his own estate, than to grant any
subsidy now.

On the day after this debate, the house went
upon a complaint against Sir Francis Stewart, an
admiral, for suffering a pirate to take an English
ship before his face; that to some merchants,
who had desired him to go out and chase the pi-
rate, he answered, his commission was not to go
on the French coast, where he conceived the pi-
rate lay; that in conclusion, though he was of-
fered great sums of money, or half the goods in
the ship, he still refused to go. On this report
Sir Francis Seymour said, that the lord-admiral
Buckingham had the care of these things, there-
fore

Anno, 1625. fore the default must needs be in him and his agents, and moved for a committee to consider of the causes thereof, and where the default lay. Mr. Lister mentioned the wrongs done to the English trade by Dunkirkers; and therefore moved, that the committee to be appointed, might in a general way consider of this, and the safety of all the sea-ports. This being agreed to, a committee of the whole house was appointed to take these matters into consideration, and they to have power to name a sub-committee.

Dissolution
of parliament.

Charles, understanding by these arguments and resolutions, that the house was determined against a supply without an effectual reformation in the government, with a rash impetuosity dissolved the parliament *; adding thereby to the distaste of the people, who were before strongly disgusted with his unpopular management. The Com-

* Acts passed this parliament.

1. An act for punishing divers abuses committed on the Lord's Day, commonly called Sunday.

2. An act to enable the King to make leases of lands, parcel of the duchy of Cornwall.

3. An act for the ease of obtaining licences of alienation, and in the pleading of alienations with licence, or of pardons of alienations without licence, in the court of Exchequer, or elsewhere.

4. An act to restrain tippling in inns and alehouses.

5. An act for three entire subsidies granted by the spirituality.

6. An act for two entire subsidies granted by the temporality.

7. An act that this session of parliament shall not determine by his majesty's assent to this and some other acts.

8. An act to confirm an agreement between the King and the copy-holders of Macclesfield in Com. Cestr. &c.

9. An act for the settlement of an agreement of the tenants of Chelvenham and Ashly, alias Charlton, between the King and Sir Giles Greval, knight. *Vide Statutes at Large, and Rushworth.*

mons, who had been made acquainted with the intentions of the court, formed themselves into a grand committee, and before they would suffer the King's messenger to be introduced, drew up a protestation of their honest alacrity to do their utmost endeavor to discover and reform the abuses of the state, and in like sort to afford all necessary supply to the just occasions and designs of the crown.

Echard.

A prosecution against one Mountague, a court chaplain, had been pursued by the Commons this parliament with some eagerness. The business appears a trifling one, but it carried with it some important consequences which sufficiently justify the warmth with which it was pursued. Mountague had published a book tending to Arminianism: for this he had been rewarded by court-preferment, notwithstanding the parliament, in the latter end of the last reign, had questioned his conduct, and afterwards referred it to the archbishop of Canterbury, from whom he had received an admonition.

Montague, who now found himself powerfully protected, published another book, filled with the same doctrines, and entitled, "An appeal to Cæsar." For this contempt of the former censure of the house he was re-questioned, and ordered to give bail of two thousand pounds for his appearance at the next session. Charles interfered, and pleaded an exemption for Mountague, as being his chaplain in ordinary, and therefore the house had no right to molest him. This gave vigor to the fire already kindled, which would have terminated in an impeachment, if the business had not been diverted by the prosecution of a more glaring and more pernicious offender.

Though

Anno 1625.

Though the Arminian tenets had in them no natural relation to high-church or monarchical principles, yet being repugnant to neither, the same political end, viz. screening themselves under the protection of party, which had forced them to an union with the republicans of Holland, connected them closely to the abettors of arbitrary power in this country; and they became the warmest partizans for tyrannical principles in church and state*. As such, they were always treated with a just animosity by the adverse faction, and the pretensions of Charles to exempt the individuals in his service from the national jurisdiction, turned the particular case of Mountague to a dispute of importance. The bishops had also interfered in this cause, representing it as an affair which the King alone, by his delegates, had a right to judge of, and that matters of difference in the church ought only to be determined by the King and the bishops†. The only circumstance which carries the ap-

* These propositions contain the substance of the Arminian doctrine :

I. God does not in an arbitrary manner predestinate any person to be saved or damned.

II. Christ died for all men, that is, all are partakers of the benefit of Christ's passion, who sincerely perform the gospel terms of faith and repentance.

III. How necessary soever Grace may be towards our doing good actions, yet it is not irresistible; that is, we are still free agents, consequently the faithful may finally fall away, or depart from a state of grace.

† The bishops of London, Durham, Winchester, Rochester, and St. David's, in a letter to the duke of Buckingham, recommended Mountague's book; and said, that his majesty would do most graciously to prohibit all parties from speaking or writing against it. *MSS. in Br. Museum*, n. 7000.

pearance

pearance of an unjustifiable exertion in the Commons in these prosecutions, is the tyrannical restraint they seemed desirous to lay on literature. But it must be considered that the freedom of the press, necessary to the existence of Liberty, was a privilege unknown in this age; and whilst the crown possessed the power of suppressing the publication of every argument which clashed with its pretensions, the Commons endeavored to attain the same means of restraining the venomous doctrine broached by its creatures and dependants.

Before the dissolution of the parliament, the plague had already infected the city of Oxford, and there was great murmuring that the court should bring them together in so sickly a season, when its avowed design was only to extort money from the subject. The Commons had expressed great sense of their danger at the session at Westminster, and it was remarked in the house, that the bell was tolling every minute they were speaking. Strong as were these apprehensions, the patriot members kept their ground, and with exemplary resolution gave so constant an attendance, that their antagonists could never obtain the advantages of an undefended cause, or a scattered party.

The determined resolution of the Commons not to give any support to the extravagant schemes of the King and his minister has been represented by the enemies of civil Liberty as an indefensible obstinacy, contrary to rational or constitutional principles; yet it will be found, on an impartial examination, consistent with both. As they absurdly suppose that this parliament was obliged, though contrary to the apparent good and safety of the subject, rigidly to perform all the engagements of the last, it will be necessary to enquire
what

Anno 1625. what these engagements were, before they can be condemned. We find that the last parliament, though inflamed with the apprehension of a close connection with the most powerful and most bigoted prince in Europe, and desirous, on any feasible terms, of breaking an union pernicious to the Religion and Liberty of this country, were so wary of trusting a weak prodigal prince, and a vain hot-headed minister, with the difficult and expensive enterprize of regaining a then-confirmed conquest from the united powers of the same potent family; that James was obliged to submit to the extraordinary condescension of receiving the military supplies from a council of war appointed by the parliament. The mean collusion which frustrated the purpose of the condition on which these subsidies were granted, the imprudent manner of conducting the first military enterprize, and the fatal catastrophe which ensued, must have enforced the same parliament to drop a hopeless scheme which they had engaged no farther to support than was consistent with the advantage and honor of the nation; of which they were to be the judges. If these reasons had been powerful enough to have prevented that parliament from giving farther assistance, how strongly must they have operated with this parliament, when united to the present aspect of affairs? The war was now no longer the war of the people; the absurd conditions on which Charles had contracted an alliance with the Bourbon family had entirely broke the connection of an united cause. The Palatinate quarrel, when distinguished from that of Liberty and Religion, was merely private, and confined to the Stewart family. According to the laws of the constitution, it could not be supposed, whatever ex-
amples

amples the necessity, imbecility, or ignorance, of particular times might have produced, that the people were obliged to tax themselves with extraordinary levies of money, but for their own support and defence; if they ever did, it was only understood as a purchase for the redress of those grievances to which monarchies of all states are the most subject; and indeed such a privilege is so necessary to maintain a limited monarchy in due bounds, that it is the only obstacle which can prevent it from becoming in practice absolute: "Give money, said the crown, and in due time you shall have redress of grievance." Was a representative body of the people, specially trusted with the sacred charge of defending and prosecuting the most essential rights of the nation, of reforming the errors of government, of redressing the injuries of the subject, was it lightly to give up the only means whereby such a reformation could be effected? The bare manner in which Charles had exposed his necessities and prodigality proceeded from an absurd supposition that the Commons would think themselves bound in duty to relieve his wants, however imprudently they had been incurred. But this was the fond error of self-flattery, and apparently clashed with the real duties of their office. The ordinary revenue of the crown was the only fund legally its own; and the necessities to which the anticipation or alienation of that revenue would reduce a prodigal prince, was a favorable and fair opportunity to correct the errors of the state, and enlarge and secure the liberties of the people. The debts and expences which had been stated to the parliament amounted to the sum of eight hundred thousand pounds; when, besides the money which had been lavished on the marriage

Anno 1625. and other solemnities, Charles had given large sums to many of his creatures, to the duchess of Chevreuse, and other attendants on the queen.

Charles, not having been able to obtain farther supplies from the Commons, had recourse to the old oppressive expedient of forcing a loan from the subject. Privy seals were issued out to all persons of substance, and the collectors were appointed to return the names of those who discovered a disposition to excuse the payment of the sums imposed. To soften this general offence, a proclamation was issued for recalling all the children of English parents who were in foreign seminaries, and an order published for disarming Popish recusants, according to the petition of the late parliament.

Naval expedition against Spain.

From the money Charles got by the loan he was enabled to equip his fleet: It consisted of eighty ships; ten thousand of the land-forces were embarked to serve on the destined expedition. The chief command was entrusted to Sir Edward Cecil, lately created viscount Wimbledon, a creature of Buckingham, to the neglect of Sir Robert Mansel, an old sea-officer, who was in great esteem with the people. The next in command to Wimbledon was lord Essex. So loosely concerted was the plan of the expedition, that it was not till the rendezvous at Cape St. Vincent, after a storm which had dispersed the whole fleet, that a council of war was first called to determine the scene of action. Essex was for attacking Cadiz, and carried his opinion by a majority of voices. The length of time which the fleet had been at sea was sufficient to put the Spaniards on their guard. Though they found the bay full of ships of great value, yet these, through the neglect of the commanders,

manders *, were suffered to escape. The fort of Puntal was attacked by Essex, and taken. The possession of this fort was of so small consequence, that it was immediately abandoned, and the soldiers, having drank plentifully of new wines, became diseased. After this unfortunate beginning, the whole force returned to Cape St. Vincent, to wait for the Spanish Plate fleet, which was then on its return from America : But narrowly missing it, Wimbledon brought his sickly crew home †.

This unsuccessful ill-conducted attempt increased the clamor against the ministry ; and the discontented party enjoyed the triumph of seeing their enemies entangled in snares which became daily more intricate : A tyrannical government involving itself in difficulties which increased the importance of the people, whilst at the same time the happy situation of the kingdom exempted them from the fears of foreign hostilities.

During the course of the late expedition, Buckingham and the earl of Holland were sent to the Hague to negotiate a treaty with the Dutch, and to confer with the ambassadors of the kings of Denmark and Sweden, who had joined in the confederacy against the house of Austria. The Dutch had entered heartily into the cause, and had lent an assistance of ships to the late expedition. In this congress Buckingham not only promised great things in his master's name, but threw out hints of hopeful expectations on the

* A dissention between the two commanders, Wimbledon and Essex, is said to have occasioned the preposterous management of this business.

† The contagion had been spread by the imprudence of the commander, who obliged every ship, not infected, to take a certain number of the sick for sound men. *Baker's Chronicle. Howell's Letters.*

Anno 1625. side of France. To supply the present exigencies of the war, he had carried with him the crown jewels, and pawned them in Holland for the sum of 300,000 l. Therefore, when the fleet returned, Charles issued out a proclamation, prohibiting the soldiers from leaving their colours; and trusting to the shallow expedient of nominating * Sir Edward Coke †, Sir Robert Philips, Sir Thomas Wentworth, Sir Francis Seymour, Sir Guy Palmes, Mr. Edward Alford, and Sir William Fleetwood, the leading popular members, to serve as sheriffs in the counties, he again ventured to call a parliament ‡. Before this period Williams had not only been turned out of his office of lord-keeper, but was banished from the council, and commanded to retire to his bishopric of Lincoln.

Guth. p.
840.

Hackett's
Life of
Williams.

Antecedent to the meeting of the parliament at Oxford, Williams, to remove (if possible) the growing distaste of Buckingham, had officiously informed the King of the enmity which subsisted in the house of Commons against his favorite;

* Such a nomination by custom incapacitated them from serving in parliament.

† Sir Edward Coke objected to several things in the form of the oath given to the sheriffs. This remarkable one against the Lollards was complied with, and, by the advice of the judges, left out, viz. "You shall do all your pains and diligence to destroy and make to cease all manner of heresies commonly called Lollaries, within your bailiwick, from time to time, to all your power, and assist and be helping to all ordinaries and commissioners of the holy church, and favor and maintain them as oftentimes as you shall be required." *Rushworth*, vol. I. p. 197, & seq.

‡ When the names of those sheriffs whom the judges had appointed were shewn to the King, he declared, that he had the names of seven whom he would have sheriffs. *Letters and Dispatches of Thomas Earl of Strafford*, fol. ed. 1739, p. 29.

but

but undertook, if the session was postponed till Christmas, to take off the bitterest sticklers against him. This served only to increase Buckingham's jealousy, who concluded that Williams could not have so exact an intelligence, or so great an influence as he boasted, without being a party in the cabal against him. His hatred was so inflamed by this suspicion, that though precedents of such a nature touched him nearly, in the present disposition of the Commons, his agents offered the party in the opposition to give his assistance to the ruin of Williams by a parliamentary prosecution. Hatred to Buckingham saved the keeper; who, in the point of passing the pardon to the Romish priests, had had the address, at the expence of his patron, to clear himself tolerably well to the Commons. Immediately on the dissolution of the parliament his disgrace ensued: He received it with an abjectness of spirit equal to the servility of his deportment during the sunshine of his favor; and at the very time when he was practising with Sir Thomas Wentworth to debauch him from his party and principles, to bring him over to the court. In this place it must be remembered, that when the extravagant articles, both private and public, were sent by Charles from Madrid, James either had, or affected to shew, compunctions of conscience and honor at signing articles so destructive to the weal of the Protestant religion; Williams thereupon got up and made a florid speech, in which he shewed the King and council that so doing was repugnant to neither. On these flattering persuasions the articles were immediately signed, and Williams, in a letter to Madrid, boasted of the important service he

Anno 1625. had rendered the prince. The bishop of Lincoln's great rival and enemy was William Laud, bishop of St. David's. This prelate, in his station of president of St. John's college at Cambridge, had signalized himself as a turbulent opposer of the Puritans, and as a stickler for the Arminian principles. He at length obtained the office of court-chaplain, and, by a sedulous attention and compliance with the humors of the favorite, his patronage. When the bishopric of St. David's became vacant, Buckingham asked it for Laud; but James, on account of his ill fame *, shewing an aversion to his promotion, he employed Williams to teaze him into a compliance: Williams not only succeeded in this, but retained him in his prebendary of Westminster, and procured him, in some time after, a living of one hundred and twenty pounds, a-year in the diocese of St. David's: For all which services, Laud, now on a foot of rivalry, and having in a manner engrossed Buckingham's ear, became one of the principal means of Williams's disgrace.

Hacket's
Life of Wil-
liams.

Coronation.

Four days before the meeting of parliament, the ceremony of the coronation was performed; and Charles had the imprudence, at this critical time, to add to the disgust of the public by exacting the obsolete tribute of knights fees from

* Laud had married lady Rich to his patron the earl of Devonshire, her paramour, while her husband the earl of Warwick was alive.

James had another objection to this promotion: Laud had given him some violent counsel in regard to the ecclesiastical affairs of Scotland; and his timorous disposition was terrified at a circumstance which partly prognosticated the storm this zealous pedant had so great a share in raising. *Hacket's Life of Williams.*

all

all those who had forty pounds a-year*. The form of the coronation was compiled by bishop Laud, who made two additions to that which had been more recently used, from the antiquated examples of Richard II. and Henry VI. One was this clause in the body of the service: " Let him obtain favor of the people, like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple. Give him Peter's key of discipline, and Paul's doctrine." The other was the following address after the ceremony was performed: " Stand and hold fast from henceforth the place to which you have been heir by the succession of your fore-fathers, being now delivered to you by the authority of Almighty God, and by the hands of us and all the bishops and servants of God. And as you see the clergy to come nearer to the altar than others, so remember that in all places convenient you give them greater honor; that the mediator of God and man may establish you in the kingly throne, to be a mediator between the clergy and the laity, and that you may reign for ever with Jesus Christ, the King of kings, and Lord of lords†."

Anno 1625.

Echard, fol.
ed. 1718,
vol. II.
p. 31.Rushworth,
vol. I. p.
201.

Sir Thomas Coventry, an errant court-lawyer, obtained the seals on the disgrace of Williams, and, on the meeting of the parliament, made a florid ministerial speech, full of gross adulation and devotion to

Parliament
6th February.
Rushworth,
vol. I. p.
202, & seq.

* The original sum was twenty pounds; but at the time it was thus fixed, twenty pounds a year was a considerable income.

† Bishop Williams, as dean of Westminster, was by course to have a chief part in the ceremony; but he was commanded not to appear, and his place was supplied by his enemy Laud. An old crucifix found among the regalia was by his direction placed upon the altar. *Rapin*, 8vo ed. 1730, vol. X. p. 35.

Anno 1625. the crown: "If we consider aright, said he, and think of that incomparable distance between the supreme height and majesty of a mighty monarch, and the submissive awe and lowliness of a loyal subject, we cannot but receive exceeding comfort and contentment in the frame of this highest court, wherein not only the prelates, nobles, and grandees, but the commons of all degrees, have their part; and wherein that high majesty doth descend to admit, or rather to invite, the humblest of his subjects to conference and council with him of the great, weighty, and difficult affairs of the kingdom: A benefit and favor whereof we cannot be too sensible and thankful.—And it behoveth us to magnify and bless God, who hath put the power of assembling parliaments in the hands of him, the virtue inherent of whose person doth strive with the greatness of his princely lineage and descent, whether he should be accounted *major* or *melior*, a greater king or a better man." This lofty description of majesty was answered in the same strain by the bombast oration of the speaker, Sir Heneage Finch, viz. "And since we all stand for hundreds and thousands, for figures and cyphers *, as your majesty, the supreme and sovereign auditor, shall please to place and value us; and, like coin to pass, are made current by your royal stamp and impression only.—Here your royal person, still enthroned in the state of majesty, attended by a reverend and learned prelacy, a great and full nobility, enthroned like stars in the firmament, some of a greater, some of a lesser mag-

* There is a figure something like this in a speech of the royal orator James; viz. make the subjects like men at chess, a pawn to take a bishop or a knight.

nitude, full of light and beauty, and acknowledging to whom they owe their lustre, and by a choice number of worthy knights and gentlemen, who represent the whole body of your Commons. But to leave generals, we live not under a monarchy only, the best of governments, and under a government, the best of monarchies, but under a king, the best of monarchs, your royal person. And those eminent virtues and graces which are inherent in your person, in whom greatness and goodness contend for superiority, it were presumption in me to touch, though with never so good a meaning; they will not be bounded within the narrow circle of my discourse. What age shall not record or eternize your princely magnanimity in that heroic action or venturous journey into Spain? hazarding your person to preserve the kingdom: Fathers will tell it to their children in succession; after-ages will then think it a fable. Your piety to the memory of your dear father, in following and bedewing his hearse with your tears, is full in every man's memory."

Previous to business, all the members, by an order of the house, received the sacrament. This precaution was to discover any false papistical brethren, who might otherwise lurk under the cover of the oath of allegiance. A message of complaint from the King acquainted the house, that Sir Edward Coke, being sheriff of Buckinghamshire, was returned one of the knights of the shire for the county of York. This message the house referred to the committee of privileges and elections, to report their opinions of the law in these cases, and the usage of parliament. Sir Edward Coke gave up his seat on this occasion, though on the day before the dissolution of the

1 parliament

Anno 1625.

parliament it was resolved that he stood, *de facto*, a member of that house.

Rushworth,
vol. 1.
p. 207.

The Commons went into a warm examination of the public grievances: The miscarriage of the fleet to Cadiz, the evil counsellors about the King, mis-employment and waste of the King's revenue; and they demanded an account of the three subsidies and fifteenths granted the twenty-first of James. It was resolved that a committee for secret affairs *, and another for grievances, should sit every Wednesday and Friday during this parliament; and an act was tendered and read, to administer an oath for the rendering a true account of all general and public taxes, rates, and collections. The present grievances, as enumerated by the committee, are these:

Grants of pensions now one hundred and twenty thousand pounds, before but eighty thousand pounds:

Increase of household from forty-five thousand pounds to eighty thousand pounds:

Fruitless ambassadors, with larger allowance than formerly:

Treble encrease of the privy-purse:

Double increase of the treasury, of the chamber, and great wardrobe:

New impositions and monopolies multiplied, and settled to continue by grants:

Customs enhanced by the new book of rates:

Tonnage and poundage levied without any act of parliament.

Council of
war exam-
ined.

The council of war † was examined concern-

* The business of this committee for secret affairs was to enquire into the conduct of Buckingham. *Guthrie*, vol. III. p. 840.

† The men who composed this council of war were, the lords Carey, Brook, Vere, Grandison, Sir Robert Mansel, Sir John Ogle, and Sir Thomas Button.

ing the management of the money entrusted to them by parliament for four ends specified the twenty-first of James. They all, on various pretences, declined giving satisfaction, except Sir Robert Mansel, who promised to answer fully to every particular, provided he had leave of the King. On this general refusal the opposition dropped the affair, having gained an advantageous point from the suspicions to which the ministry was exposed, by laying on the commissioners injunctions of secrecy, contrary to the conditions of the grant *.

A committee was named concerning religion, and Mountague's publications were again called in question: These affairs were principally managed by Pym, a member of great experience and acquired judgment, having served in more than one parliament in the last reign †. Warmly as Mountague had been prosecuted in three successive sessions, he at length escaped sentence by a more interesting prosecution, which at this time engrossed the attention of the whole body. Dr. Turner, a physician, propounded these queries to the house.

I. Whether the duke, being admiral, be not the cause of the loss of the King's royalty in the narrow seas ?

Rushworth.
Whitlock.

* According to the conditions of the grant, the treasurers had made oath that none of the money should issue out of their hands without warrant from the council of war. The council of war had made oath that they should make no warrants for the payment of any of the money, but only for the ends specified by parliament; and, farther, should all be accountable for their doings and proceedings in that business, to the Commons in parliament, when they, or any of them, should be thereunto required. *Parl. Hist.* vol. VI. p. 427.

† Mr. Pym was one of the suffering members who were imprisoned by James for speaking freely against the measures of the court.

II. Whether

Anno 1625.

II. Whether the unreasonable, exorbitant, and immense gifts of money and lands bestowed on the duke and his kindred, be not the cause of impairing the King's revenue and impoverishing the crown?

III. Whether the multiplicity of offices conferred upon the duke and others depending upon him (whereof they are not capable) be not the cause of the evil government of this kingdom?

IV. Whether recusants in general, by a kind of connivance, be not encreased by reason of the duke's mother and his father-in-law being known Papists?

V. Whether the sale of honors, offices, and places of judicature, ecclesiastical livings and promotions (a scandal and hurt to the kingdom!) be not through the duke?

VI. Whether the duke's staying at home, being admiral of the fleet, and general of the land army, was not the cause of the bad success and overthrow of that action, and whether he gave good directions for that design?

Prosecution
of Bucking-
ham.

On this accusation it was resolved, upon the question, that common fame was a good ground of proceeding for the house of Commons, either by enquiry, or presenting the complaint (if the house finds cause) to the King or Lords. Among the arguments and observations urged to procure this resolution, Sir Thomas Wentworth's were very rational: That if they could not present to the Lords upon common fame, yet they might enquire and accuse in that house upon it; that this was the only safeguard of accusation for great men, whereas in all others no man dare accuse them, for fear of danger. Mr. Rolle said, that the Commons might present a lord of the higher house

Parl. Hist.
vol. VI.
p. 438.

house to the Lords, for he was not compellable Anno 1625. to answer in the house of Commons; thus, if they could not present upon common fame, he could never be drawn to answer. If the offence tended to felony or treason, the Commons might pray to have him committed, in respect to the quality of the fact. That it was otherwise in smaller offences: In the fifth of Henry IV. a complaint was made against the King's confessor, and some others; hereupon the Lords ordered that he should be removed from about the King; and the King in parliament, though he knew no cause particular, yet, because the Lords and Commons had thought them unfitting, he there commanded them to come no more near him; and assured the assembly, that if there were any others against whom the Lords and Commons had indignation, he would remove them also. The two lawyers, Selden and Noy, argued for the legality of the proceeding on common fame; and the Commons forwarded the prosecution with great vigor, appointing several committees for particular enquiries into the duke's conduct.

Whilst they were thus employed in preparing and digesting these matters into a special charge, they received a most importunate message from the King, setting forth "the infinite prejudice the public affairs must receive by the longer delaying the supplies; that his majesty's fleet being returned, and the victuals spent, the men must of necessity be discharged, and their wages paid, else an assured mutiny would follow, which might be many ways dangerous at this time; that his majesty hath made ready about forty ships, to be set forth on a second voyage, which want only victuals and some men, which, without present supply of money, cannot be set forth and

Rushworth,
vol. I.
p. 215.

Anno 1625. and kept together; that the army which is appointed must be disbanded, if they be not presently supplied with victuals and cloaths; that if the companies of Ireland lately sent thither be not provided for, instead of defending that country they will prove the authors of rebellion; that the season of providing healthful victuals will be past, if this month be neglected."

Powerful as these arguments appeared to the King, the Commons did not think it prudent to trust the sword in the hands of Buckingham, at the very time they were proceeding against him as an intolerable nuisance in the state. Mr. Coke, son of Sir Edward Coke, had avowed this sentiment in the house: "It is better, said he, to be eaten up by a foreign enemy than to be destroyed at home."

The Commons, not to leave the smallest reproach upon themselves of neglecting the real service of their country, sent the King a very civil answer, in which they testified an assured belief that he would accept and follow the faithful and necessary advice of his parliament; and that on this consideration they intended to assist and supply him in such a way, and in so ample a measure, as should make him safe at home, and feared abroad.

Charles was stung to the quick at a message which, in a manner subtle and specious, shewed the determined resolution of the house to give no assistance towards the occasions of the war till a ministry should be elected on whom they could place an entire confidence. He assumed a more haughty manner than he had before used to the Commons, no doubt with an intention either to awe this resolute assembly into submissive measures, or to provoke them out of that prudent reserve

reserve which had hitherto confined their opposition within the accustomed bounds of respectful language: "But for your clause of presenting grievances (writes he in his reply to their answer) I take that but for a parenthesis in your speech, and not a condition: And yet for answer to that part, I will tell you, I will be as willing to hear your grievances as my predecessors have been; so that you will apply yourselves to redress them, and not to enquire after them. I must let you know, that I will not allow any of my servants to be questioned among you, much less such as are of eminent state, and near unto me. The old question was, What shall be done to the man whom the King will honor? but now it hath been the labour of some to seek, what may be done against him whom the King thinks fit to honor*?" Charles proceeds to reproach the Commons for inconstancy, in prosecuting a man who was once an universal favorite among them; and finishes with this threat: "I would you would hasten my supply, or else it will be worse for yourselves; for if any ill happen I shall be the last who feel it." This magisterial language produced no effect on the measures of the Commons: They calmly voted the King three subsidies and three fifteenths †; but the act not to be brought in till the grievances were presented and answered. Then they resumed the de-

Anno 1625.

Parl. Hist.
vol. VI. p.
430, & seq.

* It must be remarked that this quotation, taken from the Old Testament, is an instance of the power of a Persian king, consequently absurdly adapted to that of a limited monarch; and shews that Charles's notions of regal government were as confused as James's; both of them resolving its several distinctions into that of a simple and absolute monarchy.

† Some days after this, the Commons added a fourth subsidy.

Anno 1625. bates concerning the impeachment of Buckingham, and ordered him to have notice of what had been charged against him. In this debate Sir W. Walter made a severe speech against the favorite; and Sir John Elliot shewed, that it was not the manner of parliaments to give before their grievances were redressed. Charles, perplexed and exasperated at a conduct which baffled all his schemes, was determined to attempt the expedient of hectoring the Commons in person, and sent for the two houses to Whitehall. He

Anno 1626.
Parl. Hist.
vol. VI.

p. 444,
& seq.

began his speech with thanking the Lords for having incited the Commons to take the state of the kingdom into consideration. He avowed, that if this parliament did not redound to its good, it was not their faults*; that he came to shew the Commons their errors. Then the lord-keeper, by the King's command, taking up the speech, shewed that the following declaration was only intended for the Commons, but that his majesty was willing that the Lords should be witnesses of the honor and justice of his resolutions; that his majesty had approved, by his behavior, his affection for the right use of parliaments;—that after he had received satisfaction for his reasonable demands, he would, as a just king, answer the grievances which should be presented to him in a dutiful manner; that as his majesty was well-affectioned to the right use of parliaments, so never king was more jealous of his honor, nor more sensible of the contempt or neglect of his royal rights, which he will by no means suffer to be violated by any pretence of

* The Lords, in a conference with the Commons on the state of affairs abroad, had recommended to the Commons to resolve on giving the King a speedy assistance. *Parl. Hist.* vol. VI. p. 470.

parliamentary liberty, wherein his majesty doth not forget that the parliament is his council, and therefore ought to have the liberty of a council; but he understands the difference between counsel and controuling, between liberty and the abuse of liberty. The lord-keeper next proceeded to school the Commons for not having, according to a message from his majesty, corrected Mr. Coke for a seditious speech uttered in the house; and for not only encouraging, but walking in the steps of Dr. Turner, who did take upon him, said he, to advise the house upon sundry articles against the duke of Buckingham, as he pretended; but, in truth, to wound the honor and government of his majesty, and of his renowned father: And his majesty, first by a message, and after by his own royal mouth, did declare that that course of enquiry was an example which by no way he could suffer, though it were against his meanest servant, much less against one so near him; and that his majesty did much wonder at the foolish insolence of any man who could think that his majesty should be drawn, out of any end, to offer such a sacrifice so unworthy of a king or a good master. He then asserted the duke's sincerity and discretion from the King's own knowledge, with a reproach to the Commons of disrespectful proceedings; that their committees had presumed to examine the letters of the secretary of state*. Then the Commons

* Committees had been dispatched to the signet-office, to search for originals of letters for reprieving priests condemned at York. The Commons alledged in their answer to the reproach of the lord-keeper, that in the above mentioned act they had done nothing not warranted by the precedents of former parliaments upon the like occasions. *Parl. Hist.* vol. VI. p. 466.

Anno 1626. were reprimanded for their dilatoriness in proceeding in the business of the supply, the inadequateness of the sum to the King's wants, and the condition in a manner tacked to it: "Therefore, continued the keeper, his majesty commandeth that you go together again, and by Saturday next return your final answer what farther supply you will add to this you have already agreed on; and that to be without conditions, either directly or indirectly, for the supply of these great and important affairs of his majesty, which, for the reasons formerly made known unto you, can endure no longer delay; and if you shall not by that time resolve on a more ample one, his majesty cannot expect a supply this way, or suffer you to sit longer together; otherwise, if you do it, his majesty is well content that you shall sit so long as the season of the year will permit; and doth assure you that the present addition to your supply to set forward the work shall be no hindrance to your speedy access again." When the keeper had finished, the King, retaking up the speech, reproached the Commons in high terms on the old topic of the parliament's having helped him to break off the treaties with Spain; then, continuing his speech, said, "Mr. Coke told you it was better to be eaten up by a foreign enemy than to be destroyed at home. Indeed, I think it is more honor for a king to be invaded, and almost eaten up, by a foreign enemy, than to be despised by his own subjects.—Remember that parliaments are altogether in my power, for their calling, sitting, and dissolution: Therefore, as I find the fruits of them good or evil, they are to continue, or not to be; and remember, that if in this time, instead of amending your errors, by delay you persist in your errors,

errors, you make them greater and irreconcilable; whereas, on the other side, if you do go on chearfully to mend them; and look to the distressed state of Christendom, and the affairs of the kingdom, as it lieth now by this great engagement, you will do yourselves honor; you shall encourage me to go on with parliaments, and I hope all Christendom shall feel the good of it."

This injudicious bravado put a stop to all the preceding business in the house: The Commons entered into debates on the unconstitutional speeches which fell from the King and the keeper, turned the house into a grand committee, ordered the doors to be locked, no member to go forth, and that the proceedings of other committees should be stopped till they came to a resolution in this business. When these determinations were made known to the King, the duke of Buckingham was ordered to explain those parts of the speeches which were liable to the most exceptions. He took the opportunity of addressing the house with a kind of vindication of his own conduct.*

A remonstrance was then framed by the Commons, and sent up to the throne, on the fifth of April, in answer to the charges alleged against

* One of the circumstances which Buckingham alleges to prove his fidelity to the Protestant religion is this: "If I would have converted myself, said he, I might have had the infant put into my master's bed; and if any discontent should have risen here, I might have had an army to have come with me; but I thought the offer foolish, ridiculous, and scornful, in that point of religion." We do not hear that the Commons made any animadversions on this vindication of Buckingham; but surely nothing could be more absurdly impolitic than to avow but this objection to the offers of the Spaniards. *Parl. Hist.* vol. VI. p. 454.

Anno 1626. them in the King's and the lord-keeper's speeches. The house was then adjourned, by desire of the King, to the thirteenth. This adjournment was only carried by a majority of thirty, and proves that the low-church party were at this time very numerous in the lower house, the opposition thinking it fit to sit through the holidays *. After this short recess, the Commons returned again to the business of the prosecution; but whilst they were thus employed, an interesting scene was carrying on in the house of Lords.

With the low expedient which had been used by the ministry, of incapacitating those men who had the greatest sway in the opposition from serving among the Commons, by nominating them sheriffs, more exceptionable measures had been used to rid Buckingham of his antagonists in the upper house.

Rushworth.
Parl. Hist.

When the parliament was summoned, by an unwarrantable stretch of prerogative, Charles had given orders, that no writ should be sent to the bishop of Lincoln nor the earl of Bristol. On an application from the latter to the house of Lords, his writ was sent him, but with it a letter from the lord-keeper, forbidding his personal attendance. On the receipt of this mandate, Bristol preferred a second petition to the upper house, representing his case as an important encroachment on the liberty and safety of the peers, with a desire to be sent for and heard in accusation of the duke of Buckingham; having been wronged for the space of two years in his reputation and

* This was not the only instance of the powerfulness of this party. It was alleged in the house this session, that proclamations for not dressing meat in Lent were great grievances.—We find in Rymer, that these proclamations had been very frequent in the last reign.

liberty

liberty by the aspersions of the said duke, to Anno 1626. keep him from the presence of his majesty and parliament, lest he should discover several of his crimes and misdemeanors.

Bristol had had the offer, on condition of an Prosecution of Bristol. entire acquiescence, to remain without farther molestation, and enjoy the benefit of the pardon granted last parliament; but Charles, provoked at these repeated acts of opposition, ordered the attorney-general to enter an accusation of high-treason against him in the house of Lords; and signified his pleasure, in a message by the lord-keeper, that he should be sent for as a delinquent to answer his offences. Bristol reminded the Lords, that their house was possessed of his former petition, and of his accusation of Buckingham: He therefore desired that they would receive his charge against the duke and the lord Conway, and not to invalidate his testimony against them by the King's charge against him.

The offences charged by the crown against Bristol are comprized under these heads:

That he had, contrary to his knowledge, Articles against Bristol. given information to the court of England, that the king of Spain did really intend to conclude the marriage, and make restitution of the Palatinate:

That he had, contrary to instructions, continued the treaties on generalities:

That he had terrified the late King from retreating, by magnifying the power of Spain:

That he had persuaded the enlargement of Jesuits and Romish priests:

That he had endeavored traitorously to persuade the prince to change his religion:

That on the offer made by Spain of a marriage between the Palatine's eldest son and the em-

Anno 1626.

peror's daughter, with the condition of his being bred up in the emperor's court, he had given it as his opinion that the proposition was reasonable :

That he had set a day for the delivery of the *dispossorios*, without treating of the things commanded to him as restrictions :

That he had signified in confidence, that he cared not what the success of the treaties might be, but was determined to make his fortune by the negociation :

That his intricate management had enforced the present King, when prince, to the dangerous journey into Spain :

Lastly, he had offended in a high manner, by preferring a scandalous petition to the house, to the dishonor of his majesty, of blessed memory, deceased, and of his sacred majesty who now is ; offences no way sufferable in a subject towards a sovereign ; and in one article of that petition, wherein he gives his now-majesty the lie, in denying that relation which his majesty affirmed.

Of this charge Charles declared himself the accuser : Bristol offered to make any submission that should be personal, to the King ; but besought the Lords to take into consideration how dangerous would be the consequences if his majesty should be accuser, judge, witness, and have the confiscation *. He moved that the duke of

* Charles had offered to be himself the principal evidence against Bristol. The house, to avoid a difficulty contrived on purpose to restrain the freedom of their judgment, consulted the judges on the following point : Whether in the case of treason or felony the King's testimony was to be admitted or not ? whether words spoken to the prince, who is after King, makes an alteration in this case ? The judges gave the house to understand, that they had received an express command from the King not to give their opinion on these questions. *Rushworth*, vol. I. p. 268, & seq.

Buckingham might be put in equal condition with himself; and that as he had given in articles against the lord Conway, he might not be permitted to meddle in that particular business, or use the King's name in it, *ex officio*.

In laying open his case, he shewed that Buckingham had obtained his imprisonment to prevent the discovery of his own bad practices in Spain; that by sinister means he had continued him in that restraint, because he had refused to sign some propositions sent to him by the said duke. He next proceeded to the articles of impeachment against the duke of Buckingham and the lord Conway. The heads of them are as follow:

That the duke of Buckingham did combine with the Conde Gondemar to carry his majesty, late prince, into Spain, to procure his conversion:

Articles
against
Buckingham.
Rushworth,
vol. I. p.
262, & seq.

That when in Spain he labored it; and by flattering the Spanish ministry on this point, he caused them to recede from conditions which had been before propounded:

That he had procured a letter to be written from his late majesty to the pope:

That he had received a bull to encourage him in the perversion of the prince:

That he had given scandal by his personal behavior in Spain; and, having incensed the king of Spain and his ministers, he put in practice divers undue courses to break the match:

That he had been, in great part, the cause of the ruin and misfortune of the prince Palatine and his estates, inasmuch as those affairs had relation to the kingdom of Spain:

That he had abused the parliament by his sinister relation; and wronged the earl of Bristol

Anno 1626. in point of his honor, by many sinister aspersions he had laid upon him; and in point of his liberty, by many undue courses, through his power and practices:

That he had vexed and pressed his late majesty, for having sent the earl of Bristol word that he would hear him against the duke, as well as he had heard the duke against him.

The heads of the articles given in against the lord Conway were,

Articles against the lord Conway.
Rushworth, vol. I. p. 264. & seq.

That the lord Conway had professed himself so great a servant of the duke's, that he had not stuck to declare that if matters could not be accommodated between them, he must then adhere to the duke; from which he inferred that lord Conway was unfit to be a judge in any thing which concerneth the duke or the earl:

That the lord Conway, as a creature of the said duke, had, by various misrepresentations and undue means, not only occasioned the earl of Bristol's restraint, and lengthened it, but during its continuation had perplexed him in his business and otherwise:

That on the earl of Bristol's having fully answered twenty interrogatories, which had been made to him in his late majesty's name, that the lord Conway, being the secretary to the lords commissioners who were appointed to search into the proceedings of the said earl, perceiving that the said earl was like to be cleared, never moved for a farther meeting, nor have the lords commissioners ever been permitted to meet to this day:

That though the lord Conway knew that the match of the king of Bohemia's eldest son with the emperor's daughter, and his being bred in the emperor's court, was allowed and propounded

pounded by his late majesty, yet had he suffered it to be charged against the earl of Bristol, both in the interrogatories, and in his majesty's last letter :

That the lord Conway had been the cause of all the earl of Bristol's troubles, by his dubious and entrapping dispatches, and inferring that the said earl had failed in his directions, when it should be made appear that his dispatches contained no such directions as he hath alleged were given.

The house came to a resolution not to commit the earl of Bristol to the Tower, but to let him remain in custody of the gentleman-usher; and that the King's charge against the earl should have the first hearing, then the earl's against the duke; yet so that the earl's testimony against the duke should not be prevented, prejudiced, or impeached *.

Charles, finding by these determinations, that the sense of the peers ran favorable to Bristol, sent them the following message :

That he took notice of the articles exhibited against the duke of Buckingham, and he found they were such that he was able of his own knowledge to say more than any man of the duke's sincerity; that one of them, touching the narrative made in parliament, trencheth as far upon himself as the duke; he sent them thanks that they gave no way to the earl of Bristol's unreasonable motion of putting the duke under the same restraint as they did the earl, thereby eschewing what the earl aimeth at, namely, to alter

* On the earl's request, the house had granted him counsel: This Charles objected to; but finding that the house was resolved to abide by their own determination, he at length gave way. *Parl. Hist.* vol. VII. p. 29, 180, & seq.

their

Anno 1626. their dutiful proceedings towards him; that thereby they had made him confident that they will continue to put a difference between his charge against one who appeareth as a delinquent, and the recrimination of the earl of Bristol against his evidence *. Thus did Charles injudiciously run the risk of incurring a public affront by thrusting himself in, not only as an evidence, but as an accessary with Buckingham.

The crown at this time made an attempt to carry the prosecution into the King's Bench; but this was vigorously opposed by the Lords, on the following objections:

“ He can have no counsel:

“ He can use no witness against the King:

“ He cannot know what the evidence against him will be time enough to prepare for his defence; so the innocent may be condemned, which may be the case of any peer, and the liberties of the house thereby infringed, and the honor and justice thereof declined:

“ The earl being indicted, it will not be in the power of the house to keep him from arraignment; and so he may be disabled from making good his charge against the duke:

“ It appears that the earl, for the space of two years, till now he complained, hath not been so much as questioned for matter of treason; he hath been examined on twenty interrogatories,

* On the occasion of these causes now depending, the King had sent for the whole body of bishops, and charged them in the judgments they gave to be guided by their consciences. At the same time he assured them, that he was always ready to promote the cause of the church; giving them a gentle reprehension that they had not made known unto him in this session of parliament what might be profitable for it. *Rushworth*, vol. I. p. 247. *Breviate of the Life of Laud*, p. 8.

and the commissioners satisfy that his answer will Anno 1626.
admit of no reply :

“ The lord Conway by several letters hath intimated, that there was nothing against him, but what was pardoned by the parliament’s pardon of the twenty-first of James; and signified his majesty’s pleasure that he might rest in that security :

“ His majesty hath often declared, both to the countess of Bristol and others, that there was neither felony nor treason against him, nor ought else but what a small acknowledgment would exiate.”

These representations of the Lords were so many favorable omens to Bristol, who denied almost every article of the King’s charge*, and

* The first article of the King’s charge is, That Bristol had, contrary to his knowledge, given delusive hopes to the court of England concerning the conclusion of the treaty. Among the Harleian manuscripts there are several letters from Buckingham, whilst in Spain, to his patron James, The letters which he wrote previous to the disgust he took at that court, are full of flattering intelligence relative to this point. One of them hath these particular expressions : “ If we can either judge by outward shews, or general speeches, we have reason to condemn your ambassadors for speaking too sparingly than too much. If the pope will not grant a dispensation, we would be glad to have your directions how far we may engage you in the acknowledgment of the pope’s spiritual power; for we almost find, if you will be contented to acknowledge the pope chief head under Christ, that the match will be made without him.”

The following letter from Charles to the duke of Buckingham, preserved among the same manuscripts, shews that Charles, whilst prince of Wales, had entered into all Buckingham’s little piques, and that he was a violent partizan against Bristol :

“ Stenie,

“ Now I must crave your pardon to trouble you a little ; it is this : Bristol stands upon his justification, and will by no means

Anno 1626. proved, by the undeniable testimony of the written intercourse between him and the court of England, that he had acted in concert with James's inclinations, and according to the general and particular instructions of that monarch. "As touching the charge itself (said Bristol in a speech he made to the Lords on the subject of his vindication) I have once answered all, except that of my petition; I expected not to have heard of these again. I expected a remonstrance of some practice with Spain against the state; or to be charged with the receipt of ten or twenty thousand pounds, for the persuading and procuring the delivering up some towns which the crown was in possession of, as might be the Brill, or Flushing, or the like; or for being the means of the delivery of the King's ships to serve a foreign nation against those of our own religion; or for the revealing his majesty's highest secrets, which none but two or three did know of; or for treating of the greatest affairs, as it were by my own authority, without formal instructions in the point; or, as the law calls it, to have committed some overt act of disloyalty; and not to be charged, after seven ambassages, with discouragements and inferences."

It is very apparent, notwithstanding the speciousness of Bristol's defence; that his whole conduct had been subservient to the point of private advantage; that he had already obtained an opu-

means accept of my counsels; the King does haste to have him come to his trial; and I am afraid, if you be not with us to help to charge him, and set the King right, he may escape with too light a censure. Therefore I would have you send to the King to put off Bristol's trial till you might wait of him, but for God's sake do not venture to come sooner than you may with the safety of your health, &c. &c."

MSS. in the Brit. Mus. n. 6987.

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lent fortune by an exact conformity to the views Anno 1626.
of James; and that from motives of selfishness he had put in practice every expedient to prevent the rupture of the Spanish treaty. Nor was his present opposition excited by principles of independence, or generous feelings, whilst recriminating against Buckingham: He meanly courted the prince who was exercising over him the most unjustifiable oppression. On the merit of his management in the treaty with Spain, he had obtained, and at this very time enjoyed, the spoils of a man whose unjust fate was yet fresh in the memory of the public *. To these circumstances, ill adapted to attract the esteem of the people, his avowed principles of religion were as extravagantly hierarchical as were those of the present ministry. The extreme odium, therefore, which his antagonist Buckingham had at this time incurred, and the oppressive treatment

* This was Sir Walter Raleigh, whose large estate of Sherbourn had been first given by James to Somerset, and then to Bristol. Sir Antony Weldon hints, that Bristol was one of the principal means of Sir Walter's execution, by representing it to James as a necessary sacrifice towards the attainment of the Spanish match. Nor was this the only step he took to secure the possession of these lands: Mr. Carew Raleigh relates, that, on his addressing himself to the parliament to be restored in blood, king Charles sent to him, and told him plainly, that, on the obligation of ten thousand pounds, he had promised the earl of Bristol to secure his title to Sherbourn against the heirs of Sir Walter Raleigh; that now being king he was bound to make good his promise; therefore, unless Mr. Raleigh would quit all his right and title to Sherbourn, he neither would nor could pass his bill of restoration. Whereupon Mr. Raleigh, being then not twenty years of age, left friendless and fortuneless, was prevailed on by the promise of a subsistence to submit to the King's will. See *A Brief Relation of Sir Walter Raleigh's Troubles, &c. To the right honourable the Commons of England, the humble Petition of Carew Raleigh, in Sir Walter Raleigh's Life and Works by Dr. Birch.*

himself

Anno 1626. himself had met with from the crown, were the only causes which gained a popularity to his side of the contest.

Backingham impeached.

The Commons, who had been all this while preparing matters for the impeachment, now brought up their charge against the minister *. It was managed by eight members † and sixteen assistants ‡. Sir Dudley Diggs opened it, with a florid metaphorical introduction §.

Rushworth, vol. I. p. 303.

As one of the crimes alleged against Buckingham was the accumulation of offices and honors which he had obtained through his inordinate influence, the Commons did not omit any of these in the preamble to their declaration; viz. “The Commons in this present parliament—do, by this their bill, shew and declare against George, duke, marquis, and earl of Buckingham; earl of Coventry; viscount Villiers; baron of Whaddon; great admiral of the kingdoms of England

* The Commons had sent to the duke, to let him know they were passing articles against him, and that they had given the messengers orders to take notice thereof out of the clerk’s book, of which he might take a copy if he pleased; and that they expected his answer on the same day before ten of the clock, if he chose to send any. This message the duke signified to the Lords, who did not think fit that he should answer; and the duke signified this determination to the Commons. *Rushworth*, vol. I. p. 247.

† The eight managers were, Sir Dudley Diggs, Mr. Glanville, Mr. Herbert, Mr. Pym, Mr. Whitby, Mr. Selden, Mr. Wandsford, and Sir John Elliot. *Guthrie*, vol. III. p. 849.

‡ The sixteen assistants were, Sir Francis Barnham, Mr. Littleton, Sir William Earle, Sir William Ermyn, Mr. Noy, Mr. Rolles, Sir Benjamin Rudyard, Mr. Mason, Sir Nathaniel Rich, Mr. Brown, Mr. Sherland, Mr. Wyld, Mr. Charles Jones, Mr. Kirton, Mr. John Strangeways, and Mr. Therfield. *Guthrie*, vol. III. p. 849.

§ The orators of these times had not yet discarded this vicious elocution, which had been greatly heightened by the example of James.

and Ireland, and of the principality of Wales, Anno 1626.
 and of the dominions and islands of the same,
 and of Normandy, Gascoigne, and Guienne;
 general governor of the ships of the said king-
 dom; lieutenant-general, admiral, captain-gene-
 ral, and governor of his majesty's royal fleet and
 army lately set forth; master of the horse of our
 sovereign lord the King; lord-warden, chancel-
 lor, and admiral of the Cinque Ports, and of the
 members thereof; constable of Dover-castle;
 justice in eyre of all the forests and chaces on this
 side of the river Trent; constable of the castle of
 Windsor; gentleman of his majesty's bed-cham-
 ber; one of his majesty's most honourable privy-
 council in his realms both in England, Scotland,
 and Ireland, and knight of the most honorable
 order of the garter; the misdemeanors, mispri-
 sions, &c.—"

The whole of this charge against Bucking-
 ham may be comprized under eight articles;
 viz.

Rushworth.
 Guthrie.

That he had engrossed a multiplicity of ho-
 nors in his own hands, and had rendered offices
 and honors venal, by procuring and bestowing
 them for money:

That he had neglected the performance of his
 duty in the office of admiral:

That he had seized and detained goods from
 the subjects of the French king, out of a ship
 called the St. Peter of Newhaven, on which en-
 sued an arrest at Newhaven of two English mer-
 chant-ships, to the great disturbance of trade,
 and prejudice to the merchants:

That he had extorted the sum of ten thousand
 pounds from the East-India company:

That he had procured the Vauntguard and six
 merchant-ships to be delivered into the hands of
 the

Anno 1626. the French king, knowing that they were intended to be employed against the French Protestants :

That he had procured divers titles to his kindred and allies, whose estates being small, they could not be maintained in that dignity but at the expence and damage of the crown, who thereby disabled itself to reward extraordinary virtue in future times with honor :

That he had obtained a grant of divers manors belonging to the crown, and had likewise received exceeding great sums of money for his own use, without account, to the great diminution of the revenues of the crown :

That, without a sufficient warrant, he had unduly procured certain plaisters, and a certain drink or potion, to be given to his late majesty, after which divers ill symptoms did appear upon his said majesty, who did attribute the cause of his growing worse to the said plaisters and drink.

The whole charge was concluded and enforced by Sir John Elliot, who, in the execution of this task, displayed the powers of a lively nervous elocation.

Rushworth,
vol I. p.
357-

After this impeachment the King came to the house, and made a cajoling speech to the Lords : He assured them, that the cause of his coming was to express the sense he had of all their honors ; that what affected them affected him in a very sensible manner * : “ I have thought fit, adds he, to take order for the punishing some insolent speeches lately spoken. I have been too remiss heretofore in punishing such speeches

* Charles, by these insinuations, endeavored to persuade the Lords that their interest was connected with Buckingham's cause.

as concern myself; not that I was greedy of their monies, but that Buckingham, through his importunity, would not suffer me to take notice of them, lest he might be thought to have set me on. And to come the forwarder to his trial, and to approve his innocence; as touching the matters against him, I myself can be a witness to clear him in every one of them *. I speak not this to take any thing out of your hands, but to shew the reason why I have not hitherto punished those insolent speeches against myself; and now I hope you will be as tender of my honor, when time shall serve, as I have been sensible of yours."

Those hints which Charles threw out of having taken order for the punishing some insolent speeches, referred to the imprisonment of Sir John Elliot and Sir Dudley Diggs, who, immediately after closing the charge against Buckingham, had been beckoned out of the conference chamber, and sent to the Tower.

The Commons did not abate of their diligence in the prosecution of Buckingham; Sir Nathaniel Rich was sent up with a message to the Lords, to move them to commit this great offender to safe custody: But this passive assembly permitted Buckingham to remain at liberty †, who now

* This glaring impropriety of the King's carriage, in owning himself thus egregiously managed by his favorite, with the subsequent testimony of his partiality, in offering himself as an evidence to clear Buckingham, after having offered himself as an evidence to accuse Bristol, are two strong instances of that weakness and passion which influenced the conduct of this monarch.

† It will be difficult to reconcile this conduct of the Lords to that hatred which the antient nobility had of this minion, who had long maintained an insolent superiority over them; and whose accumulation of honors was in a manner usurped

Aug. 1626. flung off all moderation, and threw out a kind of defiance on the malice, as he termed it, of the lower house.

Rushworth,
vol. I. p.
358, & seq.

The Commons were so offended at the imprisonment of their two members, that a kind of fullen silence, proceeding from deep resentment, for some time possessed the house, till Sir Dudley Carleton, a servant of the ministry, who had been long in office, and was at this time highly patronized by Buckingham, mistaking this appearance for the symptom of an universal dismay, began a florid metaphorical speech, in which he endeavored to bring the house to submit to the will of the court: The house he compared to a ship, their messages to the sands; the commitment, to the sands which the ship did stick on; and the compass, to the table where the book of orders did lie; he desired them to examine strictly into the orders, whether the imprisoned members did not exceed their commission; if they did, to let them suffer for their presumption; and this was the course, he said, which would bring the ship from the rocks: "I beseech you, gentlemen, added he, move not his majesty with trenching upon his prerogative, lest you bring him out of love with parliaments. You have heard his majesty's often messages to you, to put you forward in a course which would be most convenient; in those messages he told you, that

from the whole body But to the influence which the crown had over this assembly, Buckingham, by the means of his extensive power, had formed a strong party of the new, and some of the old nobility dependant upon himself. This the house seem to be sensible of; for, finding that he was deputed procurator to thirteen peers, whose votes on any occasion he had power to make use of, they made an order that after this session no lord should be capable of receiving above two proxies.

if

if there were not correspondency between him and you, he should be enforced to use new counsels. Now I pray you consider what these new counsels are and may be : I fear to declare those which I conceive. In all Christian kingdoms you know that parliaments were in use antiently, by which their kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength ; and seeing the turbulent spirit of their parliaments, at length they began to stand upon their prerogatives, and at last otherthrew the parliaments throughout Christendom, except here only with us. And indeed you would count it a great misery if you knew the subject in foreign countries as well as myself, to see them look not like our nation, with store of flesh on their backs, but like so many ghosts, and not men, being nothing but skin and bone, with some thin cover to their nakedness, and wearing only wooden shoes on their feet, so that they cannot eat meat, or wear good cloaths, but they must pay and be taxed to the King for it. This is a misery beyond expression, and that which we are yet free from ; let us be careful then to preserve the King's good opinion of parliaments, which bringeth this happiness to the nation, and makes us envied of all others, while there is this sweetness between his majesty and the Commons."

This speech was no sooner uttered than the members cried out, " To the bar ! to the bar !" and it was with some difficulty that Sir Dudley's friends could prevent his being brought upon his knees ; though he afterwards assumed courage to make another oration, in which he grossly fell upon Sir John Elliot and Sir Dudley Diggs, and shewed the King's reasons for their imprisonment;

Anno 1626. Sir John Elliot, for having spoken with great tartness against Buckingham, and treated him with the bare appellation of "this and that man," and for speaking doubtfully of the return of the English ships lent to France*; Sir Dudley Diggs, for having been accused with saying, upon the subject of the plaister applied to James, "That he would therein spare the honor of the present King."

The unconstitutional language uttered by Sir Dudley Carleton would undoubtedly have met with a severer censure from the Commons, if the recent act of violence committed by the court had not agitated them too much to take an exemplary notice of the offensive, though contemptible bravado. They came to three resolutions on the question of the imprisonment: First, to proceed in no business till they were righted in their privileges: Secondly, to turn themselves into a grand committee, to consider of the best means to effect it: And, thirdly, that none should leave the committee without asking leave. The following protestation, taken by all the members of the house, was the result of their debate: "I protest before Almighty God, and this house of parliament, that I never gave consent that Sir Dudley Diggs should speak these words which he is now charged withal, or any words to that effect; and I have not affirmed to any that he did speak such words, or any to that effect." This matter had been much debated in the upper house: The duke of Buckingham had affirmed there, that words so far trenching on the King's honor, that they were interpreted

Protestation
of the Com-
mons.

* The return of these ships was not known to Sir John Elliot at the time of the conference.

treasonable,

treasonable, had been spoken in the late conference by Sir Dudley Diggs*. This occasioned a voluntary protestation of thirty-six lords, that Sir Dudley Diggs did not speak any thing at the conference which did or might trench on the King's honor.

Charles now found that he had acted in consequence of a false representation, and was not a little ashamed of his precipitation: He restored both the members to their liberty †, and sent the Commons word that he was fully satisfied Sir Dudley Diggs had not spoken the words with which he had been charged. Sir Dudley Diggs protested the like on his return to the house; and Sir John Elliot made an elegant sensible speech, in answer to the virulent accusation of Carleton, in which he defended what he had said at the conference. It was then resolved on the question, that neither Sir John Elliot, Sir Dudley Diggs, nor the other members, had exceeded the commission given them in the management of the impeachment.

Sir Dudley Carleton was rewarded with a peerage ‡, for the speech he had lately made

* The lord Holland, a professed creature of Buckingham, was the only peer who sided with him in this accusation.

† Sir Dudley Diggs was first enlarged, and the Commons informed that Sir John Elliot was detained for matters extra-judicial to that house. Of this word extra-judicial the Commons desired an explanation; which being refused, they voted an adjournment for a day: This adjournment shewing Charles that they were determined to have full satisfaction, he gave way to the release of Sir John Elliot. In the case of the imprisonment of these members the judges had given their opinion, that that restraint was an arrest of the whole body of the Commons, no reason being given to that house for it. *Saunderson's Hist. of Charles I.* fol. ed. 1658, p. 45.

* He was first created baron Carleton, then viscount Dorchester. *Historical Preface to Carleton's Letters.*

Anno 1626. against the conduct of the two managers. To the Commons he had fully explained the meaning of new counsels, and by this explanation had proved to them the necessity they lay under of exerting their utmost efforts to limit a power which had avowed projects to destroy the bulwark of the constitution, and level the state of the subject to absolute slavery.

Buckingham elected
chancellor
of Cambridge.

Whilst Buckingham's prosecution was yet depending, the chancellorship of the university of Cambridge became vacant by the death of the earl of Suffolk: The university paid a most acceptable compliment to majesty, by electing Buckingham their chancellor at the time when he lay under the heavy censure of the house of Commons *. That respectable power thought themselves grossly affronted by such a proceeding, and

* Though the court made great interest to obtain this election for Buckingham, he carried it but by five voices. The King wrote the following letter to the university, on the subject of their compliance:

“ Trusty and well-beloved, we greet you well;

“ Whereas upon our pleasure, intimated unto you by the bishop of Durham, for the choice of your chancellor, you have with much duty, as we expected, highly satisfied us in your election; we cannot in our princely nature (who are much possessed with this testimony of your ready and loyal affections) but for ever let you know how much you are therein made partakers of our royal approbation; and as we shall ever conceive that an honor done to a person we favor is out of a loyal respect had unto ourself, and as we shall ever justify Buckingham worthy of this your election, so shall you find the fruits of it. For that we have found him a faithful servant to our dear father of blessed memory, and ourself, cannot but undertake that he will prove such a one to you, and will assist him with a gracious willingness in any thing which may concern the good of the university in general, or the particular merits of any student there. *Franklyn's Annals, 1681, p. 185, & seq.*

were

were on the point of sending a letter to the university, to signify their displeasure, and to require them to send proper persons to inform them of the manner in which the election was carried. Charles interfered, and, after some messages had passed on this occasion between him and the Commons, they dropped the affair.

The Lords at length seemed to have caught something of the spirit which had actuated the members of the lower house during this whole session. After having entered into all the designs of the ministry in regard to the intended military operations; after having shewn their zeal for this business by representing to the Commons the immediate necessity for hastening the supply *; after a tame acquiescence with all the irregular proceedings of the crown, the infringement of their privileges by the restraints laid on Bristol and the bishop of Lincoln; they were now animated into a kind of contention by the imprisonment of the earl of Arundel, who was sent to the Tower on suspicion of having been consenting to a stolen marriage between the earl of Maletrovers, his eldest son, and the duke of Lennox's sister †. On the searching precedents, they found but one of a peer's being committed whilst the parliament was sitting, without a previous

* The earl of Pembroke, lord-chamberlain, in a conference between the two houses, pressed the necessity of a supply. The Lords, on the King's request, appointed a committee to consider of the safety of the kingdom, and the report of the committee was, that one fleet be presently sent to sea against the king of Spain; that another be sent to defend our own coasts and merchants from pirates; and that consideration be had of maintaining the armies under the king of Denmark and count Mansfeldt.

† Some suspicions which Buckingham had entertained against the earl of Arundel was the true cause of his confinement. *Guthrie.*

Anno 1626. trial of the Lords in parliament. This occasioned a petition, in which they informed Charles, that they found it to be their undoubted privilege that no lord of parliament, the parliament sitting, or within the usual times of privilege of parliament, should be restrained, without sentence or order of the house, unless for treason, felony, or for refusing to give surety for the peace. Receiving no answer to this, they sent up a second petition for a gracious and a present answer. The King took up the term *present* in a very high manner, and sent the Lords word, that when he received a message fit to come from them to their sovereign, they should receive an answer. The Lords had the condescension to send another petition with the word *present* left out: But this not meeting with a satisfactory answer, on the Commons having obtained the release of their members, a fourth petition was sent up on the subject of the enlargement of the earl of Arundel. The Lords in this petition observed, that the Commons had speedily obtained the same kind of favor, which had been as yet denied to their repeated solicitations. Charles replied, that he had things of great importance against the earl of Arundel, which it would much prejudice his affairs to make known; that as soon as possible they should be informed of the cause, which was such that he was certain they would not construe his confinement to be a breach of their privileges. The Lords continuing to receive evasive answers, without either obtaining the enlargement of their member, or the knowledge of his crime, came to a resolution to adjourn till they were righted in their privileges. This resolution produced the immediate deliverance of the earl of Arundel.

Lords' petition on the earl of Arundel's confinement.

Besides this exertion, the Lords had sent up a petition representing their disgust at English commoners being dignified with Scotch and Irish titles, and that the English noblemen, possessing real privileges, should be obliged to give place to nominal titles of a superior class. These important trifles had occasioned a like application in the last reign, and with the same success; Charles promising in general to take order for a regulation.

The duke of Buckingham now gave in his plea to the impeachment made against him by the Commons: His answer to the several articles was specious, though little satisfactory; some of them he denied, others he endeavored to vindicate, pleading example, the inclination and the commands of the sovereign; to the article of accumulating honors and wealth upon his family, the natural bonds of duty and affection. As this cause never came to a trial, it is impossible to give an explicit determination on those points which were absolutely denied by the party accused*.

Buckingham's plea.

At this time, the Commons sent up a petition on the non-performance of the King's promise to the parliament at Oxford, to remove from all places of authority such persons as were convicted or suspected of Popery. A list of eighty-eight, now employed in places of trust, was inserted in the body of the petition. Charles, enraged at this reproof, and impatient at the endless delays of what he termed the necessities of the state, wrote a letter to the speaker, in which he requires him to signify to the house, that he expected the bill of subsidies to be brought in forthwith, with-

Parl. Hist.
vol. VII.
p. 286.

* At this time the lord Conway made his reply to the articles alleged against him by Bristol: His answer was an evasive one, and too immaterial to be inserted in this History.

Anno 1626. out delay or condition ; if not, it would force him to take other resolutions. To this threatening message the Commons returned a spirited answer, accompanying it with a petition for the removal of the duke of Buckingham from access to the royal presence. The arguments they made use of to persuade the king to this condescension are remarkably respectful and affectionate : “ Your majesty, say they, hath been pleased to give many royal testimonies and arguments to the world how good and gracious a master you are : but the relation by which your majesty stands towards your people do far transcend and are more prevalent and binding than any relation of a master towards a servant ; and to hear and satisfy the just and necessary desires of your people is more honorable than any expressions of grace to a servant. To be a master of a servant is communicable to many of your subjects ; to be a king of a people is regal, and incommunicable to subjects.”

The Commons petition against Buckingham.

This petition determined Charles to a sudden dissolution of the parliament. The Commons hastened to draw up a remonstrance against the duke of Buckingham, as the prime grievance of the state ; against the imprisonment of their members, contrary to the privilege of the house ; and the illegal taking of tonnage and poundage, without consent of parliament. This last they represented as the effect of new counsels, so often threatened by his majesty, and explained by one of their own members *.

The revenue of tonnage and poundage had been sometimes settled on the sovereign during life ; sometimes it had been limited, and renewed from period to period, as a kind of memorial

* Sir Dudley Carleton.

that

that the representatives of the people preserved the power of consent to this as to other taxes. The exorbitant impositions on merchandize during the two preceding reigns, a grievance which had been frequently and fruitlessly complained of by the lower house, with some oppressive ones laid on by Charles, obliged the Commons to retain this check on the rapacious exactions of the crown, and a bill of tonnage and poundage, limited to a year, was brought in the first session of his first parliament: The Lords refused to pass the bill with this limitation, and Charles continued to exact tonnage and poundage, without being authorized by the legal consent of Lords and Commons.

The Commons were preparing a bill against this proceeding; but hearing that they were suddenly to be dissolved, they hastily drew up their remonstrance and declaration, and every member, by an order of the house, was to have a copy of it delivered to him. When the King's intention to dissolve the parliament was made known to the Lords, they sent a very pressing, though ineffectual petition, to dissuade him from this precipitate measure. The King returned answer to the lords who came to intercede for a longer sitting, that he would not defer his resolution, no, not a minute. A commission was immediately sent down to put an end to the parliament, and the same day the earl of Arundel was confined to his house, and the earl of Bristol to the Tower.

Dissolution
of parlia-
ment.
Sanderson's
Life of
Charles, p.
58.

Charles published a declaration, setting forth the causes for assembling and dissolving the two last parliaments. The whole of it is a narration of the frequent and fruitless demands he had made for a supply, with many reproaches on the Com-

Anno 1626. Commons for their determined inflexibility, and many impotent attempts to justify his own intemperate proceedings, and to blacken the conduct of the lower house *. The well-known facts, and rational principles, strongly urged in their remonstrance, were unanswered. This spirited performance directed the people to make a proper comment on the King's reasons for dissolving the two parliaments: That of Oxford to preclude from the next the leading popular members; and this last through fear of the ill success which might attend the favorite on the determination of his impeachment. After having represented the tyrannical proceedings of the crown, and the duke of Buckingham as the prime cause of all grievances, it concludes with this pathetic address to the King: "Give us then leave, most dear sovereign, in the name of all the Commons, prostrate at the feet of your sacred majesty, most humbly to beseech you, even for the honor of Almighty God, whose religion is directly undermined by the practice of that party which the duke supports; for your honor, which will be much advanced in the relieving of your people in this their great and general grievance; for the honor, safety, and welfare of your kingdom, which by this means is threatened with almost unavoidable dangers; and for the love which your majesty, as a good and loving father, bears unto your good people (by whom, we profess in the presence of Almighty God, the searcher of all hearts, your are as highly esteemed and be-

Parl. Hist.
vol. VI.
p. 318,
& seq.

* The declaration has this remarkable exordium, that the King was prompted by his inclination to justify his conduct to his subjects, but that he did not think himself bound to give an account of his royal actions to any but to God, who had committed to his charge these realms and dominions; *Parl. Hist.* vol. VII. p. 300.

loved as ever any of your predeceffors were) that you would be graciously pleased to remove this person from access to your sacred presence; and that you would not balance this one man with all these things, and with the affairs of the Christian world, which do all suffer so far as they have relation to this kingdom, chiefly by his means. For we protest to your majesty, and to the whole world, that until this great person be removed from intermeddling with the great affairs of state, we are out of hope of any good success; and do fear that any money we shall or can give, will, through his mis-employment, be turned rather to the hurt and prejudice of this your kingdom, than otherwise, as by lamentable experience we have found in those large supplies formerly and lately given. But no sooner shall we receive redress and relief in this (which of all others is our most insupportable grievance), but we shall forthwith proceed to accomplish your majesty's own desire for supply; and likewise with all cheerfulness apply ourselves to the perfecting of divers other great things, such as we think no one parliament in one age can parallel, tending to the stability, wealth, strength, and honor of this your kingdom, and the support of your friends and allies abroad: And we doubt not but, through God's blessing, as you are the best, so you shall be the best-beloved and greatest monarch who ever sat on the royal throne of this famous kingdom."

C H A P. II.

Violent measures of the court.——A loan exacted.——Commitment of many who refused.——Trial concerning the King's power of commitment.——War with France.——Expedition to the Isle of Rhee.——Distressed state of the Rockellers.——Third parliament.——The judges questioned by the house of Lords.——Petition of Right.——Prorogation of the parliament.

Anno 1626.

CHARLES and the Commons had parted with all the marks of dissatisfaction, distrust, and animosity, which could be decently or safely expressed by either party. This buty parliament was prematurely dissolved, before one public measure had been determined, or one statute enacted; and this at a crisis when the King's foreign engagements, and the more interesting concerns of personal honor, rendered the dissolution of the parliament a measure liable to constructions of the most infamous nature; at a period when filial piety, and a just regard for honest fame, exacted a strict enquiry into the criminal accusation of poison, strongly hinted at in one of the articles of Buckingham's impeachment. But so great was the fond infatuation of this imprudent prince, that, to rescue his favorite from the issue of a legal trial, he plunged into inextricable difficulties, and incurred the odium of being an accomplice with a man whose actions could not stand the test of examination. Incurable was the wound which this precipitate step gave to Charles's reputation; and, to subject it still more to suspicion, a kind of mock process was carried on in
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the Star-chamber against Buckingham, for high offences and misdemeanors, and in particular for having administered medicines to the late King. The ridicule of this expedient was heightened by the affair being dropt before it came to a judicial hearing.

At the same time the King published his declaration, a proclamation was issued for suppressing the remonstrance of the Commons. This act of power was considered by the public in a light which did little honor to the royal cause.

Resolutely as the house of Commons had withstood the haughty demands of the King, it is very apparent that had he been prevailed on to drop his unpopular attachment, and to retract his arbitrary messages and speeches, their grants would have been liberal. After the impeachment was settled, they had added a fourth subsidy to the three already voted, and were drawing a bill of tonnage and poundage, when the King's last peremptory letter gave an entire change to their debates, and produced that petition against Buckingham which occasioned the hasty dissolution of the parliament.

Charles's cabinet-council was composed of men who owed the whole advancement of their fortune to the favorite: Laud, now bishop of Bath and Wells; Neil, bishop of Winchester; Conway, the secretary of state; and Weston, the lord-treasurer; men of weak heads and bigoted principles; who, besides their attachment to a desperate minister, were, from their particular prejudices, violently bent to oppose the temper of the times, yet destitute of those ministerial arts which cajole into acquiescence the easy multitude: Force was the only expedient which ministers of such limited capacities could practise to
ren-

Anno 1626.

render the people obedient, under the present unpopular system of government. Buckingham, ever averse to moderate counsels, was now rendered furious by the treatment he had received from the Commons. Charles, with the disadvantages of inexperience, a peculiar obstinacy of temper, and a blind attachment to his favorite, had conceived an ineffable contempt for popular privileges, with the most exalted notions of sublime authority in princes : Concessions he looked upon as derogations to the honor of a king, and opposition in subjects as such a flagrant breach of divine and moral laws, that it called down from Heaven a sure and heavy vengeance on the aggressors. The Deity he regarded as in a manner bound to defend the sacred cause of majesty. These opinions were corroborated by the fulsome doctrine which was continually broached by the ecclesiastical parasites who surrounded him. Such being the prejudices of this infatuated monarch, he was carried with the utmost facility into measures which had never been practised but by the weakest and the most indiscreet of his predecessors ; measures which had almost always been attended with personal destruction.

Violent
measures of
the court.
Whitlock,
p. 6, & seq.

The threat which Charles had made to the Commons of new counsels was now put in execution : The privy-council, composed of servile dependants on Buckingham, made no difficulty to resolve that the king might continue to take duties upon goods and merchandize, in the same manner as they had been levied in the late reign. On this resolution a proclamation was issued, commanding the subject to submit to this tax, under the penalty of imprisonment. A commission was openly granted to the archbishop of York and others, to compound with recusants, and treat

for a dispensation of the penal laws enacted against them. A loan of one hundred thousand pounds having been refused by the city of London, that city and all the maritime towns were required to provide a certain number of armed vessels, to constitute a fleet. For the legality of this demand, Noy, a once-popular lawyer, but now corrupted by the promise of court-preferment, had rummaged up several obsolete precedents, taken from the most tyrannical times; precedents in some measure warranted by immediate necessity, but which could with no propriety be adapted to the present circumstances. Not only the city of London, which was rated at twenty ships, but the deputy-lieutenants and justices of the peace of Dorsetshire, remonstrated against the imposition. They were sharply reprimanded by the council, and told, that state-occasions and the defence of the kingdom, in times of extraordinary danger, were not to be guided by ordinary precedents; that the precedents of former times were obedience, not direction, and that precedents were not wanting for the punishment of those who disobeyed his majesty's command, signified by that board. These threats terrified the parties into immediate submission. Several inhabitants of the maritime towns, to exempt themselves from the imposition, had withdrawn to inland places; but they were all commanded to return to their former settlements. A benevolence was demanded from all ranks of people. To prevent the danger of a vigorous opposition to these exactions, commissions were given to the lord-lieutenants of the several counties to muster the subjects able to bear arms, and array them in martial order, fit to lead out against public enemies, rebels, traitors, and their adherents,

Anno 1626. within the counties of their lieutenancy ; to repress, slay, and subdue them ; and to execute martial law, sparing and putting to death according to discretion.

To deceive the public into a belief that these formidable proceedings were necessary to secure the safety of the realm, general fasts were proclaimed, and the following reason specified ; namely, “ To divert the judgments of God, threatening this land with a powerful invasion.” The engine Religion was here introduced in vain ; the pretence was too shallow to impose even on the most ignorant : It was no secret to the public, that though Charles had rashly and wantonly provoked the Spaniard by an ill-conducted attack on Cadiz, yet that monarch had given no ground to suspect he intended to revenge, by a similar enterprize, the impotent attempt ; and England had not yet incurred the resentment of any other naval power.

Rapin, vol.
X. p. 108.

Among the many expedients practised by the ministry to raise money, the crown-lands were granted to be holden in fee-farm ; a measure ruinous to the future interest of the sovereign. But this consideration had no weight with Charles ; he had projected schemes to destroy the right of *meum & tuum* throughout the land, and to subject the whole property of the subject to the disposal of the crown.

The measures the government had yet used did not produce a supply adequate to the demands of the monarch. Benevolence-money came in very slowly, and the whole nation shewed such a reluctance to comply with the arbitrary tax, that the ministry were obliged to practise compulsive methods to enforce obedience.

An

Anno 1626,

An important battle which was at this time fought in Germany, between the king of Denmark and the Imperialists, put an end, for a time, to the disputes on the continent. The emperor had raised three armies to oppose three divisions of the allied forces, under the king of Denmark, count Mansfeldt, and Christian duke of Brunfwick. Two of them were commanded by the able generals, Tilly and Wallenstein. Mansfeldt was defeated by Wallenstein, and his army almost all cut to pieces. The loss to the allies was irreparable, by the death of Mansfeldt, and that of the duke of Brunfwick, which soon followed this event. The king of Denmark, the only remaining commander, was afterwards attacked by Tilly, and obliged to retire, with the loss of six thousand men*, and all his cannon and baggage.

23th August.

When the news of this disaster arrived in England, the ministry redoubled their efforts to get money: A loan was exacted to the full proportion of the four subsidies and three fifteenths voted last parliament. The nobility and officers of the crown were recommended to set an example of obedience, and to repair to their several counties, to promote that disposition in others. On this occasion Sir Randolph Crew, a very worthy magistrate, not shewing a zeal for the business, was dismissed from his office of lord-chief-justice, and Sir Nicholas Hyde, a lawyer of a tried compliant conduct, succeeded in his room. He had rendered himself peculiarly meritorious by the

Rushworth,
vol. I. p.
48, & seq.
A loan exacted.

* Three thousand were killed, and three thousand taken prisoners. Six thousand foot-soldiers, in the service of the States, were remanded, and sent to join the king of Denmark, besides thirteen hundred foot, which were sent from England. *Rushworth*, vol. I. p. 421.

Anno 1626. pains he had taken in drawing Buckingham's answer to his impeachment. These following instructions, among divers others, were given to the commissioners appointed to levy the loan :

“ That they treat apart with every one of those who are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary ; and if any shall refuse to lend, and shall make delays and excuses, that they examine such persons upon oath whether they have been dealt withal to refuse to lend, or make an excuse for not lending ? who hath dealt so with them ? and what speeches he or they have used tending to that purpose ? and that they shall also charge every such person, in his majesty's name, upon his allegiance, not to disclose to any other what his answer was :

“ That they endeavor to discover whether any, publicly or underhand, be workers or persuaders of others to dissent from this course, or hinder the good disposition of others ; and that, as much as they may, they hinder all discourse about it ; and certify to the privy-council in writing the names, qualities, and dwelling-places of all such refractory persons, with all speed, and especially if they shall discover any combination or confederacy against these proceedings.”

So vain an attempt to secrecy, with the mixture of craft and tyranny found in these instructions, exposed to the public as well the weakness as the villainy of their governors. Many knights and gentlemen who refused to give their money on these arbitrary mandates were put under confinement in counties remote from their abodes. The prisons all over the kingdom were full of illustrious sufferers. Sir John Elliot, confined in the Gatehouse, sent up a well-framed petition to the

Commitment of many who refused.

the King for his liberty : He shewed the illegality of his commitment, grounding his request on several statutes which he cited, and by which he demonstrated that the King could not make arbitrary exactions on his subjects, nor could the subjects lawfully submit to them *. The five following gentlemen, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Hevingham, and Sir Edward Hamden, resolutely stood the resentment of the ministry ; and at their own expence defended, by a legal process, the liberties of their country.

Anno 1626.

Rushworth,
vol I. p.
458, & seq.

The question whether a subject could be confined by the special command of the King, without assigning the cause, was brought to a trial before the King's Bench, in the case of Sir John Corbet. The counsel for the prisoner were Noy, Selden, Bramston, and Calthrop. These made it appear, that, by the charter of king John, and six several statutes, no man could be justly imprisoned, either by the King or council, without a legal process ; and that the cause of the commitment ought to be expressed in the return, that the judges might be enabled to determine whether it was a lawful one. Notwithstanding these unquestionable authorities, Sir Nicholas Hyde gave it as the resolution of the court, that the King's special order for the commitment was a sufficient cause to make the matter of the return good †, and that on these premises the prisoners must be remanded back ‡. The prostitution of

Trial concerning the
King's
power of
commitment.

* The Roman Catholics were all extremely forward to comply with this illegal tax.

† The other judges at this time on the bench were Dodderidge, Jones, and Whitlock.

‡ Heath, the attorney-general, pressed the court to enter a general judgment, that no bail could be granted upon a commitment by the King or council. The judges refusing

Anno 1626

justice in this case was apparent to the whole nation, and the unanswerable precedents and arguments * which had been urged by the fore-men-

to go thus far, the same Heath, attorney-general, that it might stand upon record that any subject committed by such absolute command might be detained in prison for ever, gave a positive direction to the clerk of this court to make a special entry of a draught of the judgment. The parliament meeting soon after, Heath thought proper to withdraw the draught from the clerk's hand. On this occasion Sir Edward Coke made the following observation in the house of Commons: "I fear, says he, were it not for this parliament, which followed so soon after the form of judgment was drawn up, there would have been hard putting to have had it entered; but a parliament bringeth judges, officers, and all men into good order." *Parl. Hist.* vol. VII. p. 385. & seq.

* The principal arguments urged by the lawyers were these which follow:

*Ephemeris
Parliamentaria, 1654,
p. 112,
& seq.*

"The writ of Habeas Corpus, said serjeant Brampton, is the only means the subject hath to obtain his liberty; and the end of this writ is to return the cause of the imprisonment, that it may be examined in this court whether the parties ought to be discharged or not: But that cannot be done upon this return; for the cause of the imprisonment of this gentleman, at first, is so far from appearing particularly by it, that there is no cause at all expressed in it.

"This writ requires that the cause of the imprisonment should be returned; and if the cause be not specially certified by it, yet should it at the least be shewn in general, that it may appear to the judges of the court; and it must be expressed so far, as that it may appear to be none of those causes for which, by the law of the kingdom, the subject ought not to be imprisoned; and it ought to be expressed that it was by presentment or indictment, and not upon petition or suggestion made to the King and lords, which is against the statute made in 25 Ed. III. c. iv. 42 Ed. III. c. iii.

"By the statute 25 Ed. III. c. iv. it is ordained and established, that no man from henceforth shall be taken by petition or suggestion made to the King and lords, but by indictment or course of law; and accordingly it was enacted, 42 Ed. III. c. iii. the title of which statute is, None shall be put to answer an accusation made to the King, without presentment. I beseech your lordship to observe the consequence of this cause: If the law be, that upon this return, this gentleman should be remanded, I will not dispute whether

tioned able lawyers on the side of Freedom, Anno 1626.

ther or no a man may be imprisoned before he be convicted according to the law; but if this return shall be good, then his imprisonment shall not continue for a time, but for ever, and the subjects of this kingdom may be restrained of their liberties perpetually, and by law there can be no remedy for the subject; and therefore this return cannot stand with the laws of the realm, or that of Magna Charta, nor with the statute of 28 Ed. III. c. iii. for if a man be not bailable upon this return, they cannot have the benefit of these two laws, which are the inheritance of the subject. If your lordship shall think this to be a sufficient cause, then it goeth to a perpetual imprisonment of the subject; for in all those causes which may concern the King's subject, and are applicable to all times and cases, we are not to reflect upon the present time and government, where justice and mercy floweth, but we are to look what may betide us in the time to come."

"I will be bold, said Mr. Noy, to inform your lordship, touching the statute of Magna Charta, c. xxix. *Nultus liber homo capiatur, vel imprisonetur, &c. nec super eum mittimus nisi per legale iudicium parium suorum, vel per legem terræ.*

"That in these statutes these words *in carcerem*, are omitted out of the printed books, for it should be *nec eum in carcerem mittimus*. For these words, *per legem terræ*, what *lex terræ* should be I will not take upon me to expound, otherwise than I find them to be expounded by acts of parliament; and this is, that they are understood to be the process of the law, sometimes by writ, sometimes by attachment of the person; but whether *speciale mandatum domini regis* be intended by that or no, I leave it to your lordship's exposition, upon two petitions of the Commons, and answer of the King, in 36 Ed. III. n. 9. n. 20.

"In the first of them the Commons complain that the Great Charter, the Charter of the Forest, and other statutes, were broken; and they desire that, for the good of himself and his people, they might be kept and put in execution, and that they might not be infringed by making arrest by special command or otherwise. And the answer was, that the assent of the lords established and ordained that the said charter and other statutes should be put in execution, according to the petition, and that is without any disturbance by arrest, by special command, or otherwise, for it was granted as it was petitioned. In the same year, for they were very careful of this matter, and it was necessary it should be so, for it was then an usual thing to take men *quibusdam de cau-*

Anno 1626. opened the eyes of the public to the knowledge of

sis, and many of these words caused many acts of parliament, and it may be some of these writs may be shewn; and, I say, in the same year, they complained that men were imprisoned by special command, and without indictment, or legal course of law; and they desired that that thing might not be done upon men by special command, against the Great Charter.

“The King makes answer, that he is well pleased therewith; that was the first answer: And for the future he hath added further, If any man be grieved let him complain, and right shall be done unto him. This, my lord, is an explanation of the Great Charter, as also the statute of 37 Ed. III. c. xviii. is a commentary upon it, that men should not be committed upon suggestion made to the King, without due proofs of law against them; and so it is enacted twice in one year. Hufsey, chief-justice, saith, that Sir John Markham told king Edward IV. that he could not arrest a man upon suspicion of felony or treason, as any of his subjects might; because if he should wrong a man by such arrest the parties could have no remedy against him.”

“Now, my lord, said Mr. Selden, I will speak a word or two to the matter of the return, and that is touching the imprisonment *per speciale mandatum domini regis*, by the lords of the council, without any cause expressed; and admitting of any or either of both these to be the return, I think, by the constant and settled laws of this kingdom, without which we have nothing, no man can be justly imprisoned by either of them, without a cause of the commitment expressed in the return. My lord, in both the last arguments the statutes have been mentioned and fully expressed, yet I will add a little to what hath been said. The statute of Magna Charta, c. xxix. that statute, if it were fully executed, as it ought to be, every man would enjoy his liberty better than he doth. The law saith expressly, No man shall be imprisoned without due process of the law, out of the very body of this act of parliament. Besides the explanation of other statutes, it appears, *Nullus liber homo capiatur, vel imprisonetur, nisi per legem terræ*. My lord, I know these words, *legem terræ*, do leave the question where it was, if the interpretation of the statute were not. But I think, under your lordship’s favor, there it must be intended by due course of law, to be either by presentment or indictment.

“My lord, if the meaning of these words, *per legem terræ*, were but as we use to say, according to the laws, which leaves the matter very uncertain, and *per speciale mandatum*.

&c.

their just rights, and the violation those rights had Anno 1626.

&c. be within the meaning of these words, according to the law, then this act had done nothing. The act is, no freeman shall be imprisoned but by the law of the land; if you will understand these words, *per legem terræ*, in the first sense, this statute will extend to villains, as well as to freemen; for if I imprison another man's villain, the villain may have an action of false imprisonment. But the lords and the King, for then they both had villains, might imprison them, and the villain could have no remedy. But these words in the statute, *per legem terræ*, were to the freemen, who ought not to be imprisoned but by due process of law; and unless the interpretation shall be this, the freeman shall have no privilege above the villain. So that I conceive, my lord, these words, *per legem terræ*, must be here so interpreted as in the 42 Eliz. The bill is worth the observing; it reciteth that divers persons, without any writ or presentment, were cast into prison, &c. that it might be enacted that it should not be done hereafter, the answer there is, that this is an article of the Great Charter; this should be granted. So that it seems the statute is not taken to be an explanation of that of Magna Charta, but the very words of the statute of Magna Charta."

"As concerning the matter of the return, said Mr. Calthrop, it will rest upon these parts: First, whether the return be that he is detained in prison by the special commandment of our lord the King, be good or not, without shewing the nature of the commandment, or the cause whereupon the commitment is grounded in the return. The second is, whether the time of the first commitment by the commandment of the king, not appearing to the court, is sufficient to detain him in prison. Thirdly, whether the imprisonment of the subjects, without cause shewn, but only by the commandment of the king, be warrantable by the laws and statutes of this realm. As unto the first part, I find by the books of our law that commandments of the king are of several natures; by some of which the imprisonment of a man's body is utterly unlawful; and by others of them, although the imprisonment may be lawful, yet the continuance of him without bail or mainprize will be utterly unlawful. There is a verbal command of the King's, which is by word of mouth of the King only, and such commandment by the King, by the books of our law, will not be sufficient either to imprison a man, or to continue him in prison. Secondly, there is a commandment of the king by his commission, which, according
unto

Anno 1626. suffered by an uninterrupted series of illegal exertions of power.

unto Calvin's case in the seventh report, it is called by him *breve mandatum non remediabile*; and by virtue of such a commandment the king may neither seize the goods of his subject, nor imprison his body, as it is resolved in 42 Aff. pl. 5. where it is agreed by all the justices, that a commission to take a man's goods, or imprison his body, without indictment or suit of the party, or other due process, is against the law. Thirdly, there is a commandment of the King which is grounded upon a suggestion made to the King or to his council; and if a man be committed to prison by such a suggestion by commandment of the King, it is unlawful, and not warranted by the law of the realm. The 25 Ed. III. c. iv. *de provisoribus*, whereas it is contained in the Great Charter of the franchises of England, that none shall be imprisoned or arrested of his freehold or of his franchises, nor of his free customs, but by the law of the land.

" It is awarded, consented, and established, that from henceforth none shall be taken by petition or suggestion made to our sovereign lord the King, or to his council, until it be by indictment or presentment of his good and lawful neighbors where such deeds are done, in due manner, or by process, made by writ original at the common law; nor of his freehold, unless he be duly brought in, and answer, and forejudged of the same by way of law; and if any thing be done against the same it shall be redressed and holden for nought.

" 37 Ed. III. c. x. Although it be contained in the Great Charter, that no man be taken or imprisoned, or put out of his freehold, without due process of the law, nevertheless divers persons make false suggestions to the King himself, as well for malice as otherwise, whereof the King is often grieved, and divers of the realm put in great damages, contrary to the form of the same statute:

" Wherefore it is ordained, that all they who make such suggestions be sent, with their suggestions, to the chancellor or treasurer, and they and every of them find sureties to pursue their suggestions; and endure the same pain which the other should have had, if in case that his suggestion be found untrue; and that then process of the law be made against them: without being taken or imprisoned, against the form of the same charter, nad other statutes.

" So that it appears by these several statutes, that such commandments of the King as are grounded upon suggestion, either made to himself or to his council, for the imprisonment of a man, are against the law.

Fourthly,

Imprisonment was not the only punishment made use of to awe the discontented nation: Sol-

Anno 1626.

Rushworth,

vol. I. p.

419, & seq.

“Fourthly, I find that there is a commandment of the King which is made under his hand with his signet; for in the fourth and the fifth of Philip and Mary, Dier. 162, where the statute of 1 Rich. II. c. xi. restraineth the warden of the Fleet for letting any man at large who is in upon judgment at the suit of any man, except it be by writ or other commandment of the King; it was doubted whether the queen, by letter under her hand and privy signet, doth give commandment to the warden of the Fleet to suffer a man who is there in execution to go about his business, or the affairs of the queen, whether this be a warrantable command or not within the statute. And the law hath always been conceived upon that book, that such a commandment is not warrantable by law; and if such a command will not serve the turn to give unto a man his liberty, which the law favoureth, and had the countenance of an act of parliament for doing it, then I conceive it should be a more strong case, the King should not have power by his commandment to imprison a man without due process of the law, and restrain him of his liberty, when there had been so many acts of parliament made for the liberty of the subjects. Fifthly, I do find that there is the commandment of the King, which is by his writ under the great seal, or the seal of the court out of which it issueth, Regist. f. 69 & 70. In the writ *de cautione admittenda* I find the words *mandatum regis* expounded to be *breve regis*, for the writ goeth *rex vic' salutem*, &c. Stamf. 72, 5 Ed. III. c. viii. 1 Ed. III. c. iii. ix. saith, that every Capias in a personal action is a commandment of the King, for it is *praecipimus tibi quod capias*, &c. and yet the defendant, as there it is said, is replevisable by the common law. Sixthly, I do find by our books of law, and by the register, that this special *mandatum domini regis* is expounded to be his writ, and that the law taketh no notice of any other *speciale mandatum* than by this writ; the which being so when the return is made, that he is imprisoned and detained in prison by the special commandment of the King, how can the court adjudge upon this return, that Sir John Corbet ought to be kept in prison, and not to be bailed, when the nature of the special commandment is not set forth in the return, whereby it may appear unto the court that he is not bailable.”

Mr. Calthrop finished this long discourse with quoting many statutes, and the authority of precedents, to prove that the special command of the king, without shewing the nature

nature

Anno 1626.

diers were billeted on all those of substance who had given, by their words or actions, any offence to the government. The poorer sort were pressed into the fleet and army*. Sir Peter Hayman was dispatched on a frivolous errand into the Palatinate. Glanville, an eminent lawyer, but obnoxious to the crown, had been forced, during the former interval of parliament, to accept of an office which had obliged him to go on the expedition to Cadiz, to the great detriment of his fortune. Martial law was enforced; the lives of the soldiers put in the power of their officers. The cognizance of offences taken out of the proper courts, and judicial decisions rendered arbitrary in matters of life and death. Notwithstanding a power so incompatible with the civil privileges of the nation, the soldiers broke out into great disorders. Robberies, rapes, cruelties, murders, frequently committed, filled up the measure of misery under which the nation groaned. That the people might learn to kiss the rod of power with devotion, and, becoming slaves by principle, reverence the yoke, priests were instructed to teach speculative despotism, and graft on religious affections systems of civil tyranny. The following passages are in two sermons which Manwaring, a court-chaplain preached before Charles: "That the King is not bound to observe the laws of the realm concerning the subjects' rights and

nature of the command, was an illegal form of commitment; and that on a return of *speciale mandatum domini regis*, without other cause shewn for imprisonment, Sir John Corbet ought to obtain his liberty.

* Such was the opposition to these illegal exactions, that though some of the poorer sort were offered to have their money returned if they would subscribe, they absolutely refused, and suffered themselves to be pressed into the sea-service rather than comply. *Rushworth*, vol. I. p. 422.

liberties; but that his royal will and command Anno 1626. in imposing loans and taxes, without common consent in parliament, doth oblige the subjects' conscience, upon pain of eternal damnation: That those who refused to pay the required loan offended against the law of God, and the King's supreme authority, and became guilty of impiety, disloyalty, and rebellion: That the authority of parliament is not necessary for the raising aids and subsidies; and that the slow proceedings of such great assemblies are not fitted for the supply of the state's urgent necessities, but would rather produce sundry impediments to the just designs of princes." At the same time Sibthorp, an officious time-serving ecclesiastic, published a sermon he had preached at Northampton, entitled, "Apostolic Obedience." It breathes a higher strain than those of Manwaring; viz. "That the prince who is the head makes his court and council; it is his duty to direct and make laws; he doth whatsoever pleases him, and who may say unto him, What dost thou? If princes command any thing which subjects may not perform, because it is against the laws of God, or of nature, or impossible, yet subjects are bound to undergo the punishment, without either resistance or railing or reviling, and so to yield a passive obedience where they cannot exhibit an active one; and I know no other case, said the speaker, but one of those three wherein a subject may excuse himself with passive obedience; in all others he is bound to active obedience*."

* Bishop Laud was employed to draw up certain instructions relative to the loan. These instructions were sent to the two archbishops, to be dispersed among the inferior clergy, and published in all the parishes of the realm.

Laud had not only assented to the licensing Sibthorp's sermon, but had expunged out of it several passages which did
not

Anno 1626.

Charles had the imprudence not only openly to patronize such infamous doctrines, but gave his subjects to understand, that his pretensions were as alarming, as the irrational assertions advanced by these sycophants. Archbishop Abbot, that humane and popular prelate, was sequestered from his jurisdiction, and confined to one of his houses in Kent, without other ground of complaint than the refusing to license Sibthorp's sermon. Williams, the late keeper, did not escape the censure of the party: An information was sent up against him to the lords of the council for encouraging Puritans. Laud's restless jealousy of this man haunted him in his sleep*.

Whilst England carried the face of a conquered province; whilst the liberties and properties of the subject lay prostrate at the mercy of a rash imperious monarch, a rapacious insolent minister, and a designing bigoted priest†; whilst prisons were daily filling with patriots; great preparations were making for foreign hostilities.

Had Charles made use of the money he had tyrannically extorted from his subjects to support the king of Denmark, who had been enticed into

not entirely agree with the inclinations of the court; such as against evil counsellors, the toleration of Papists, and the prophanation of the Lord's-Day. *Complete Hist.* ed. 1706, vol.

III. p. 33, & seq. *Prynne's Hist. of the Trial of Laud*, p. 445.

* It is transmitted from his own authority, that at this time he was made uneasy by a dream which represented the bishop of Lincoln brought to him in chains; but that he returned freed from them; that he leaped upon a horse, departed, and he could not overtake him. *Laud's Diary in Prynne's Breviate of his Life*, fol. ed. 1644, p. 9.

† This was Laud, whose furious principles had so ingratiated him with the king and his minister, that he directed all the ecclesiastical affairs, and no one was preferred in the church but by his recommendation. *Prynne's Breviate of the Life of Laud*, p. 6.

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Anno 1626.

the German quarrel by his importunities and promises, he would in this point have answered the expectations of the public; but, to the astonishment of all men, a squadron which had been sent to lie in the mouth of the Elbe, to prevent the Spaniards furnishing themselves with materials for shipping from that country, was recalled, and the passage by the Sound to the king of Denmark's dominions left undefended. A resolution was hastily taken to break with France. Charles, at the time he was embroiled with his own subjects, and thus deprived of the counsels of all the wise and virtuous in his kingdom; worsted in all his warlike attempts; unsupplied with any treasure, but what he attained by the most exasperating measures; before he had accommodated matters with the house of Austria, wantonly attacked the next great power in Europe. If we trace the incentives to this extravagantly-imprudent step, we shall find them all center in the levity of the impetuous Buckingham; a man whom fate had destined to be the bane of his two patrons, and in whom we see a striking example of that ill judgment which commonly directs the favor of princes.

The splendor which surrounded Buckingham at the time when he was dispatched to France, to conduct Henrietta-Maria into England, did not a little dazzle a court uncommonly apt to be affected with empty appearances. This, and the importance of his employment, had occasioned his reception to be more than ordinarily magnificent, gracious, and friendly. In the midst of those scenes of gaiety, pleasure, and dissipation, which this occasion produced, some favorable glances inspired him with the hopes of entering into an amorous intrigue with no less conspicuous
a per-

Anno 1626

a personage than Ann of Austria, the young queen of France; whom report avers to have been extremely taken with the gaudy appearance and familiar manners of the English favorite; the progress of whose amour, during his abode at Paris, was disappointed by the watchful Richieu; but Buckingham, with a temerity peculiar to himself, on a slight pretence left Henrietta-Maria at Bouloign, and returned to Amiens, where he had a secret interview with the French queen, who had accompanied her sister-in-law thus far on her journey. This coming to Lewis's ear, the queen's domestics were dismissed, and that monarch entertained a high resentment against Buckingham on the unparalleled insolence of his conduct. When he was making, on a frivolous pretence, preparations for another embassy to Paris, he received a message from Lewis, that he must lay aside the design of such a journey. On the receipt of this message he romantically swore, that he would see the French queen in spite of all the power of France; and from that moment he endeavored to make a rupture between the two monarchs.

He was soon supplied with pretences to forward such a disposition; Charles had been used extremely ill by the French court on several occasions. It was with great difficulty he had obtained the restoration of his ships, even after they had performed the stipulated service at Rochelle. Though Lewis had given him great hopes that he would enter heartily into the alliance against the Austrian family, yet this was no farther prosecuted than was necessary to make an advantageous treaty with the court of Spain. Charles's resentment of these provocations was much heightened by the treatment he had met with from his own

own queen, who had carried herself with an insupportable insolence of behavior from the first of their union; a period of time when this princess had not arrived to more than sixteen years of age. She had an admired person, and a vivacity that gave her a quickness in repartee, which was generally mistaken for the superior endowment of understanding. The vanity which these superficial qualifications excite in a young female mind, was in her much heightened by circumstances arising from her particular situation. The great concessions which Charles had made for a wife must naturally inspire a high idea of self-importance in the destined bride; and such was the general opinion in the French court of the vast influence which this princess would have on the future conduct of her husband and father-in-law, that on these grounds father Berulle assured the pope, " That the proposed marriage would be not only for the benefit of the English Catholics, but of all the Catholics in Christendom; that there was nothing to be hazarded in madame, seeing that she was as firm in the faith and in piety as he could desire. On the contrary, he had great cause to hope that she, being dearly beloved of the King, who was already well enough disposed to be a Catholic, and of the prince of Wales, she might by so much the more contribute to their conversion, as women have wonderful power over their husbands and fathers-in-law, when love has given them the ascendant over their spirits; that madame was so zealous in religion, that there was no doubt but she would employ in this pious design all which depended upon her industry; and that if God should not bless her intentions in the persons of king James, and of the prince of Wales, it was apparent that their children would be the

Anno 1627. restorers of the faith which their ancestors had destroyed, seeing she would have the charge to educate them in the belief, and in the exercises of the Catholic religion, till the age of thirteen years."

It is easy to imagine what effect instructions and insinuations like these must have on a young, vain, and bigoted mind; and what must be the conduct produced from a conjunction of inexperience, vanity, and enthusiasm. The insolent airs which this young queen assumed to her husband, disputing with him on all points, asserting that he had no right to meddle or presume to give advice on the nomination of her domestics, or the ordering her household; the performing a ridiculous penance* to Tyburn, which had been enjoined her by her priests, there to pay devotion to the martyrs who had suffered in the Popish cause: these, and the continual altercations occasioned by the petulance and absurd pretensions of her French attendants, obliged Charles to dismiss them from their mistress's service, and send them out of his dominions.

It was some time before this period that domestic disputes had arisen to such a height between this pair, that Henrietta had earnestly desired leave to return to Paris, there to reside for some time: This request had been granted her by the interest of Buckingham, but on the condition of his attending her. When this condition was made known to the court of France, it produced that denial from Lewis which has been related above; and the enraged and disappointed Buckingham found it easy to inspire with the same passions the facile disposition of his master, already

* This penance was performed barefooted.

chagrined with conjugal discord, and with the many provocations which he had received from his brother-in-law the French king. Anno 1627.

A triple alliance was formed by the king of England, the duke of Savoy (who had been left exposed to the Spaniard, through the perfidious conduct of the French ministry), and the duc de Rohan, the head of the Hugonot party in France. War with France.

This alliance had been effected by means of the duc de Soubize, brother to the duc de Rohan, and the abbot de Scaglia, ambassador from the duke of Savoy. They had both resided for some time in England, and had been highly caressed by Buckingham, with a view to his designs on France. According to a concerted plan between the English court and the duc de Rohan, on the twenty-seventh of June, Buckingham, with a fleet of an hundred sail, set out for Rochelle. To his great surprize, on his arrival at this place he found the gates shut against him: The design had been determined without the approbation, or even the knowledge of the Rochellers. This people could not readily construe in an advantageous sense the unexpected arrival of the forces of a monarch who had so lately lent assistance for the purpose of their destruction. To the duke de Soubize, who was sent by Buckingham to assure them of the good intentions of Charles, and to demand admittance to his troops, they gave this civil denial: "That being in strict union with all the Protestants in the kingdom, they could not receive into the city the offered succors, without the consent of the whole body of the Hugonots." On this refusal from the Rochellers, Buckingham directed his course to the Isle of Rhee, contrary to the advice of Soubize, who recommended a descent upon Oleron, that island being Attempt on the Isle of Rhee.

Anno 1627. being ill supplied with troops, and the forts not provided for a siege.

The whole conduct of Buckingham's attempt upon the Isle of Rhee was such a series of unaccountable blunders, that some authors have attributed it to the influence of some flattering proposals conveyed to him by the French queen. Whichever of these might be the cause of his proceedings, ignorance or treachery, the management of this business reflects eternal dishonor both on Buckingham and his master: On the one for executing a plan of this consequence in a rash absurd manner; and on the other for trusting an important command to a mere courtier, raw and inexperienced in the exercises of war, and ignorant of all the rudiments of military science.

Rushworth. The English made good their landing at the Isle of Rhee*, notwithstanding a stout opposition from the French commander, Thoyras, at the head of three thousand foot and two hundred horse. Buckingham was advised by Soubize to improve the panic of the French, and attack the citadel of St. Martin. This good counsel was disregarded, and Buckingham lost five days in fortifying himself, and making preparations to attack the fort in the most regular manner. At length he laid siege to St. Martin's, but neglected to take a small fort lying upon the shore, named La Prie. When the army made their attack on St. Martin's, Buckingham sent such sanguine as-

* Lewis's refusing admittance to Mansfeldt's army is mentioned in the declaration of war published on the occasion of these hostilities against France. To assign this refusal as one of the reasons for the present invasion was highly absurd, since the union between France and England, in the marriage of Charles and Henrietta, succeeded this affront.

surances to Charles, that a proclamation was prematurely issued for encouraging the English to transport themselves and their families to the isle of Rhee; but the progress of this conquest advanced very slowly, or rather was at a stand. Thoyras refused to surrender; and Buckingham, after several fruitless attacks, was obliged to turn the siege into a blockade: He received a recruit from Ireland of sixteen hundred men; five hundred from the Rochellers, who, by the persuasion of Soubize, had now declared for the English; and Charles, according to direction, prepared a large reinforcement from England. The French had by this time recovered from the surprize which the unexpected descent of the English had occasioned, and contrived to throw in provisions to the citadel of St. Martin. Buckingham might have rendered such supplies ineffectual by making himself master of a well, from whence the inhabitants drew all their water; but this was neglected, and the enemy suffered to secure themselves in the possession of it.

The length of time spent in the siege had given the French full opportunity to collect, by the assistance of the Spaniards, so large a naval force, that their fleet exceeded, in number of ships, that of the English. By means of this fleet, and the advantage which the possession of fort La Prie gave them, they landed so large a body of forces that Buckingham began to think of a retreat. When this resolution was made known to Soubize, he strongly represented to him the distresses which such an abandonment would bring upon the French Protestants in general, and particularly upon the Rochellers; who, on the faith of England, had at length declared for the allies, and thus had drawn upon themselves the severe

Anno 1627. resentment of their monarch. The duke de Rohan and himself, presuming on an effectual assistance from England, had been so active that they were declared public traitors. The duke de Rohan * was condemned to be torn in pieces by four horses, and fifty thousand crowns set upon his head. These pressing circumstances were all urged in vain: Buckingham was tired of his situation, and determined to return to England, though he daily expected a large reinforcement from thence, under the command of his friend the earl of Holland. But before this resolve was put in execution, he made a vain attempt to take the citadel by storm: After having lost many men in the adventure, he began his march to the water-side. Fort La Prie being in the possession of the enemy, there was no passage open but by a narrow causeway, which had on each side of it deep ditches and salt-pits. Buckingham had neglected erecting a fort at the entry on the causeway to secure his retreat; and no sooner had the English entered the narrow way, than, in this disadvantageous situation, they were attacked by their enemies, who made great slaughter among them; the courage of the English troops preserved them from a general rout; the French retreated in their turn, and Buckingham, with his remaining forces, gained the fleet, and returned home with the loss of upwards of four thousand men out of seven thousand he had carried out with him. This disgraceful disaster brought a heavy additional load of public odium on the already universally detested

The English
retreat from
the Ile of
Rhee.

* According to a plan agreed on between the allies, at the time when Buckingham invaded France, he had made an insurrection in Rouvergn, and acted there with great success. He had had great offers of money and honors from the French king, to tempt him not to join the English.

minister.

minister. He was received by his fond master Anno 1627. with as great acknowledgment for supposed services, as if he had brought home the trophies of an important victory*.

Charles kindly attributed the cause of his favorite's ill success to the want of a seasonable supply; and the earl of Holland, who was just setting out from Plymouth when Buckingham returned, was, among others, accused of dilatoriness in his proceedings. Buckingham's arrival was followed by deputies from the Rochellers, who earnestly solicited Charles for the performance of promises which had been made them on his part; promises on the faith of which they had been prevailed on to take up arms, but were now left exposed to the resentment of their furious bigoted monarch, who, happily furnished with a pretext and an opportunity to ruin them, had beset their town both by land and sea. Their circumstances were desperate, by reason that they were in immediate danger of famine from the ill management of Buckingham, who had disappointed them of large provisions of corn which they had been promised from England. The discontent of the English, with the just complaints of the wretched Rochellers, made a general outcry against Buckingham, and the present system of government. The mariners came in tumultuous crowds to Whitehall, demanding their pay with great earnestness. The enemy appeared in

*Distressed
state of the
Rochellers.*

* On the instant when Buckingham's arrival was made known to Charles, he sent him consolatory letters on the occasion of his disgrace, conjuring him, by the sacred ties of friendship, not to make the disaster irrecoverable, by afflicting himself for the faults of others. During the progress of his operations at the Isle of Rhee, Charles had sent him many compliments on the report of his military exploits. *MSS. in Br. Museum, n. 6988. fol. 3.*

Anno 1627. triumph, entered the harbors, and insulted the English on their own coasts. Many ships had been taken in a few years, and the merchants were discouraged from building, because they were pressed into the King's service, and not paid.

The universal voice of the people, which earnestly demanded a parliament, Charles's necessities, and the present critical situation of affairs, occasioned a general council to be called to consult on this point. Sir Robert Cotton, in a long and labored speech, made it appear that the only remedy for the growing evils of the times, was to acquiesce with the desire of the people, and call a parliament; that this was the only way by which a sufficient supply could be timely raised for the urgent necessities of the state. This strong representation, with some flattering assurances at the close of his speech, that Buckingham might regain his popularity if the public could be persuaded into a belief that he was the first mover in council to call a parliament, had so much weight with the ministry that writs were issued out for that assembly to meet the seventeenth of March following*. Previous to this meeting, warrants were sent to all parts to release the prisoners who had been confined on account of the loan. The number of them, all people of fashion and fortune, amounted to seventy-eight†.

January 29.
Parliament
called.

Prisoners
released.

* Before the resolution was taken to call this parliament, Charles had borrowed one hundred and twenty thousand pounds of the city of London, for which they had lands to the value of twenty-one thousand pounds per year assured to them; he likewise borrowed thirty thousand pounds of the East-India company. *Baker's Chronicle*, p. 440.

† A list of the prisoners who were set at liberty by this order of the court:

Sir John Strangeways, Sir Tho. Grantham, Sir Will.
Ar

These, gentlemen of tried resolution, were many of them chosen members of the ensuing parliament; the people fixing their hopes of redress on patriots whose sufferings for the public cause had given flattering assurances of an uncorruptible integrity. Besides this order for a general release, the court thought proper to send writs of summons to the disgraced peers: Abbot, Arundel, Bristol, and the bishop of Lincoln, were all permitted, according to their right, to attend in parliament. Thus far Charles assented his conduct to the satisfaction of the public; but fearing that Buckingham, notwithstanding the hopes given by Sir Robert Cotton, would still continue the object of parliamentary prosecution, he determined to shew that assembly that he was resolutely bent to support his favorite, and not to relinquish any of the authority he had assumed to make discretionary levies on the subjects. At the very time when writs were issued to summon a parliament, the privy-council were consulting on methods to raise an arbitrary and heavy tax, by way of excise; and at the same time thirty thousand pounds were sent over into the Low-

Anno 1627.

Rushworth, P. 474.

Army, Sir Will. Massam, Sir Will. Wilmore, Sir Erasmus Draiton, Sir Edw. Aiscough, Sir Nath. Bernardiston, Sir Ro. Poyntz, Sir Beauchamp St. John, Sir Oliver Luke, Sir Maurice Berkley, Sir Tho. Wentworth, Sir John Wray, Sir W. Constable, Sir John Hotham, Sir John Pickering, Sir Fra. Barrington, Sir Will. Chauncey, Sir Walter Earl, Sir Tho. Darnel, Sir Harbottle Grimston, Sir John Corbet, Sir John Elliot, Sir John Hevingham, knights; W. Anderson, Terringham Norwood, John Trigonwell, Tho. Godfrey, Rich. Knightly, Tho. Nicholas, John Hamden, Geo. Ratcliff, John Dutton, Henry Poll, Nath. Conwell, Rob. Hatly, Tho. Elmes, John Stevens, W. Coriton, Geo. Catesby, esquires; Tho. Wood, John Wilkinson, W. Allan, Tho. Holyhead, gentlemen. Thirty-three Londoners. *Rushworth*, vol. I. p. 473.

Coun-

Anno 1627. Countries to Sir William Balfour and colonel Dalbier, for raising one thousand horse, and seventy thousand pounds for arms for horse and foot. The levying a certain sum on all the counties of England, for the building ships, was also under consideration, that an independant, constant, unlimited revenue might, by this means, be raised for the use of the crown *.

Among all the absurd measures which hitherto had been taken by Charles and his ministry, not one of them is more striking than this of giving so general an alarm on the eve of a parliament; at a time when, under the protection of their representatives, the nation could make a more regular and legal opposition to the oppressive practices of the crown; at such a time to advance pretences which, if brought into practice, must alter the whole system of the government, and establish a regular tyranny, is a madness which carries with it the appearance of the infatuation of enthusiastic zeal, rather than the common incongruity of ministerial counsels: but Charles looked on these formidable preparations as so many precautions

* Just before the meeting of the parliament, a society of Jesuits were taken at Clerkenwell. Among their papers was found a letter written to their father rector at Brussels. The substance of this letter is the hopes which the body entertained on the present situation of affairs in England. The foundation of their hopes was in the Arminians, who affected mutation; that the Catholics encouraged them in their schemes of making the King independent, and freeing him of his ward, the parliament; that they had shewn the means how to settle the excise; that it was to be done by a mercenary army of Germans: "In farming the excise, says this letter, the country is most likely to rise; if the mercenary army subjugate the country, then the soldiers and projectors shall be paid out of the confiscations; if the country be too hard for the soldiers, then they must consequently mutiny; which is equally advantageous to us. Our superlative design is to work the Protestants, as well as the Catholics, to welcome a conqueror." *Rushworth. Ephemeris Parliamentaria.*
against

against the consequences of an enraged parliament; Anno 1627.
 and such an open declaration of a determined purpose to maintain the authority he had assumed, as the most certain check on the councils of that assembly, which would rather wink at oppressions which might be temporary, and comply with all the demands of their sovereign, than, by driving him to extremities, risk not only the reality, but the appearance of Freedom.

These being the politics of the ministry, Third Parliament.
 Charles, in his speech at the opening of the session, instead of attempting to soften the Commons by soothing words and fair promises, flung out this threat: "Every man, says he, now must do according to his conscience; wherefore if you, Parl. Hist. vol. VII. p. 339, & seq.
 as God forbid! should not do your duties in contributing what the state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that which the follies of some particular men may otherwise hazard to lose." What must have been the feelings of this assembly, many individuals of which, united to the sense of public injury, had in their own persons suffered from the injustice of the crown? what must have been its feelings to hear Charles, instead of offering concessions to repair the notorious breach he had made in the constitution; instead of endeavoring to bury the memory of past offences in oblivion; to hear him attempt to establish, as a fundamental principle in the government, that God had put into his hands other means to impose taxes than by parliament? Undoubtedly, at the utterance of these expressions a lively sense of public danger fired the imagination of every patriot in the house; whilst the bitter sense of past, and dread
 of

Anno 1627. of future sufferings, warmed the indignation of less exalted characters.

If we reflect on the outrages committed by the government in the intermediate space between the conclusion of the last, and the beginning of the present parliament; with the extreme folly with which the public measures were conducted, to the infamy, loss, and even danger of the nation; if we recollect the manly resentment which the leading members of the last parliament shewed at offences far less grievous than the sufferings of the present time—members all nominated in this, and bearing the same influence; their patriotic warmth excited by an accumulation of reiterated evils; with this provoking instance of the wrong-headed inflexibility of their monarch: If we reflect on all these circumstances, we shall be wrapt in wonder at the capacity of the men who guided the counsels of this assembly, who, enraged by such injurious wrongs, and such provoking insults, could form and execute a plan of operations, in which forbearance and decorum of expression and action, were as necessary as vigor, ability, and resolution.

When Charles had ended his speech, the lord-keeper, after having made a tedious harangue on the situation of the European powers, the ambition of the house of Austria, the perfidy of the French court, and the danger to which England was exposed from the conjunction of those formidable adversaries, repeated the ridiculous plea of the war having been originally undertaken by advice of parliament; and added, “ This way of parliamentary supplies, as his majesty told you, he hath chosen, not as the only way, but as the fittest; not because he is destitute of others, but because it is more agreeable to the goodness

of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword of the enemy make way to the others. Remember his majesty's admonition ! I say, Remember it !”

Notwithstanding these repeated insults, the Commons, after having presented Sir John Finch, the queen's attorney, for their speaker *, calmly settled their several committees for privileges and elections, for religion, for grievances, and trade. Having passed an order that all the members of the house should receive the sacrament, they drew up a petition to the King for a general fast to be observed throughout the kingdom. Then they entered into consideration of the late oppressions : The billeting soldiers ; raising arbitrary taxes ; the imprisonment of those who refused to comply, and the refusal of bail on an Habeas Corpus to certain gentlemen who demanded it. The debate on this subject was opened in the following manner by Sir Francis Seymour : “ This is the great council of the kingdom ; and here, if not here alone, his majesty may see, as in a true glass, the estate of the kingdom. We are all called hither by his majesty's writs, to give him faithful counsel, such as may stand with his honor, but that we must do without flattery ; and being

Debates of
the Com-
mons.

Parl. Hist.
vol. VII.
P. 361, &
seq.

* Sir John Finch, according to the manner of his predecessor, made a very ministerial speech : After having praised monarchy above every other constitution of government, he addressed the throne in the following strain : “ Kings, said he, know no other tenor but God's service, and their value is only tried at his beam ; whence the poet said, the parents of the first kings were *Cælum & Terra*, divine institution and human approbation.” The whole tenor of the discourse was to shew the expediency of union ; viz. a parliamentary compliance with the King's measures. *Parl. Hist.* vol. VII. P. 347, & seq.

Anno 1627. chosen by the Commons to deliver up their just grievances, this we must do without fear. Let us not be like Cambyfes's judges; who, being asked by him concerning something unlawful, said, though there were no written laws, the Persian kings might do what they list. How can we express our affections while we retain our fears, or speak of giving till we know whether we have any thing to give? for if his majesty may be persuaded to take what he will, what need we to give? That this hath been done appeareth by the billeting of soldiers, and imprisonment of gentlemen for refusal of the loan; who, if they had done the contrary for fear, their faults would have been as great as those who were the projectors of it. To countenance these proceedings, hath it not been preached in the pulpit, or rather prated, All we have is the King's, *jure divino*. When preachers forsake their own calling, and turn ignorant statesmen, we see how willing they are to change a good conscience for a bishopric."

Sir John Elliot, after having strongly set forth the late grievances, seconded a motion which Sir Francis Seymour had made at the conclusion of his speech for a committee on these particulars.

Ephemeris
Parliamen-
taria, p. 28.

"I have read, said Sir Robert Philips, of a custom among the old Romans, that once every year they had a solemn feast for their slaves, at which they had liberty without exception to speak what they would, thereby to ease their afflicted minds; which being finished, they severally returned to their former servitude. This may, with some resemblance and distinction, well set forth our present state; where, now after the revolution of some time, and grievous sufferings of many violent oppressions, we have, as those slaves had, a day of liberty of speech; but shall

not, I trust, be hereafter slaves, for we are born free : Yet what new illegal proceeding our states and persons have suffered, my heart yearns to think, my tongue falters to utter ; they have been well represented by divers worthy gentlemen before me. Yet one grievance, and the main one as I conceive, hath not been touched, which is our religion — religion, Mr. Speaker, made vendible by commission ; and men, for pecuniary annual rates, dispensed withal ; whereby Papists may, without fear of law, practise idolatry. For the oppressions under which we groan, I draw them under two heads : Acts of power against law, and judgments of law against our liberties. Of the first sort are, strange instructions ; violent exactions of money thereupon ; imprisonment of the persons of such who (to deliver over to their posterity the liberty they received from their forefathers, and lawfully were in possession of) refused so to lend ; and this aggravated by the remediless continuance and length thereof ; and chiefly the strange, vast, and unlimited power of our lieutenants and their deputies, in billeting soldiers, in making rates, in granting warrants for taxes as their discretions shall guide them ; and all this against the law. These last are the most insupportable burthens which at this present afflict our poor country, and the most cruel oppression which ever yet the kingdom of England endured ; these upstart deputy-lieutenants (of whom, perhaps, in some cases and times, there may be good use, being regulated by law) are the worst of grievances, and the most forward and zealous executioners of these violent and unlawful courses which have been commended unto them ; of whose proceedings, and for the qualifying of whose unruly powers,

Ann^o 1627.

powers, it is more than time to consult and determine *. Judgments of law against our liberty there have been three, each latter stepping forwarder than the former upon the right of the subject; aiming in the end to tread and trample under foot all law, and that in the form of the law. The first was the judgment of the *postnati* †; whereby a nation which I heartily love for their singular good zeal in our religion, and their free spirits to preserve Liberty far beyond any of us, is made capable of the like favors, privileges, and immunities, as ourselves enjoy. The second was the judgment upon impositions in the Exchequer-court by the barons. The third was that fatal late judgment against the liberty of the subject imprisoned by the King, argued and pronounced but by one judge alone: I can live altho' another, who has no right, be put to live with me; nay, I can live altho' I pay excises and impositions more than I do; but to have my liberty, which is the soul of my life, taken from me by power, and to have my body pent up in a jail, without remedy by law, O improvident ancestors! O unwise forefathers! to be so curious in providing for the quiet possession of our laws, and the liberties of parliament, and to neglect our persons and bodies, and to let them lie in

* Sir William Earl reported from the committee for examination of complaints against deputy-lieutenants, that Sir John Stoell, a deputy-lieutenant, having conceived displeasure against the town of Taunton on the choice of their burgessees to serve in this parliament, made a removal of the soldiers billeted in that town, and fixed twelve men on the mayor and the recorder, and other principal citizens; who, being encouraged by authority, committed great riots and enormities. *Journals of the Commons*, vol. I. p. 886.

† The judges, to flatter James, had declared, that by law the Scots born after his accession, were naturalized, and capable of all the privileges of an English subject.

pri-

prison, and that *durante bene placito*, remediless. If this be law, why do we talk of liberties? why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? what may any man call his own, if not the liberty of his person?" This topic was farther enforced in the following manner by Sir Thomas Wentworth: "They have taken from us—what shall I say? indeed, what have they left us? they have taken from us all means of supplying the King, and ingratiating ourselves with him, by tearing up the roots of all property; which if they be not set seasonably in the ground by his majesty's hand, we shall have, instead of beauty, baldness. By one and the same thing have the King and people been hurt, and by one must they be cured. To vindicate what? new things? no; our ancient, lawful, and vital liberties, by reinforcement of the ancient laws made by our ancestors; by setting such a stamp upon them as no licentious spirit shall dare hereafter to enter upon them."

"Will any give a subsidy, said Sir Edward Coke*, if they are to be taxed after parliament at pleasure? The King cannot lawfully tax any by way of loans: I differ from them who would have this of loans go among other grievances, for I would have it go alone. I will begin with a noble record; it cheers me to think of it; 26 Ed. III. it is worthy to be written in letters of gold: "Loans against the will of the subject are against reason and the franchises of the land; and they desire restitution." What a word is that franchise! the lord may tax his villain, high and low, but

* Two counties, Buckinghamshire and Suffolk, had returned Sir Edward Coke as one of their members to serve in this parliament. *Journals of the Commons*, vol. I. p. 876.

Anno 1628. it is against the franchises of the land for freemen to be taxed, but by their consent in parliament."

Charles, finding his threats had neither terrified the Commons into submission, nor provoked them into indecorum of speech, thought fit, on the twenty-fifth of March, to send them a conciliating message by secretary Cook, That he esteemed the grievances of the house his own, and stood not on precedence in point of honor; he, therefore desired that the same committee which was appointed for grievances might, at the same time, take in hand the following propositions: To furnish with men and victuals thirty ships to guard the narrow seas, and along the coast; to set out twenty other ships for the relief of the town of Rochelle, and for the preservation of the Elbe, the Sound, and the Baltic sea; to pay and supply twenty-six thousand horse and foot for foreign service; to supply the forts of the office of ordnance, and the stores of the navy; to build twenty ships yearly for the increase of the navy; to repair the forts within the land; to pay the arrears of the office of ordnance, the victualler's office, and the treasurer of the navy; to pay the arrears due for the freight of divers merchant-ships employed in his majesty's service; and to provide a magazine for victuals for land and sea-service.

Rushworth,
vol. I. p.
513, & seq.

On this message the house turned themselves into a committee, to take into consideration the liberty of the subject in his person and goods, and the supply of the King's necessities. On the subject of liberty of person, Mr. Creskeld, a young lawyer, made a long, eloquent, and learned speech: He proved that the common law of England guarded both the persons and property of the subject from the prerogative of the monarch. With the utmost accuracy and precision

he stated the rights of both King and subject, and shewed how illegally the judges had acted in remanding the gentlemen to prison who were confined on account of the loan, and had brought their Habeas Corpus *. It was resolved on the question, that no freeman ought to be committed, detained in prison, or otherwise restrained, by the command of the King, privy-council, or any other, without some legal cause of the commitment, detainer, or restraint, be expressed; that the writ of Habeas Corpus may not be denied, but ought to be granted to every man who is committed, detained in prison, or otherwise restrained, though it be by the command of the King, privy-council, or any other; that if a freeman be committed or detained in prison, or otherwise restrained, no legal cause of such commitment, detainer, or restraint, being expressed, if he is returned upon an Habeas Corpus, that he ought to be delivered or bailed; that the ancient and undoubted rights of every freeman are, that he hath a full and absolute property in his goods and estate, and that no tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the King, or any of his ministers, without common consent of parliament.

Anno 1628.

Journals of
Commons,
vol. I. p.
878, & seq.

This produced a conference between the two houses: It was managed by Sir Dudley Diggs, Sir Edward Coke, Mr. Selden, and Mr. Littleton. The assistants were, Sir Benjamin Rudyard, Mr. Pym, Mr. Rolles, Mr. Hackwell, Mr. Her-

* The Saxon institutions, on which the common law of England is grounded, were so tender of personal liberty, that it was not till the twenty-third of Edw. III. the eleventh King from the Conquest, that a statute was enacted to attach the bodies of men for debt. *Mr. Creskeld's Speech. Parl. Hist. vol. VII. p. 379.*

Anno 1628.

bert, Mr. Whiteby, Sir Robert Phillips, and Mr. Charles Jones ; all of them being men of spirit and learning, the cause was pleaded with great ability. It was clearly proved that the fore-mentioned resolutions were authorized by Magna Charta, six several statutes, and the common law of the land *.

Ephemeris
Parliamentaria, p. 54,
& seq.

* The introduction was allotted to Sir Dudley Diggs : He shewed that the institutions of the Saxons were the fundamental laws of the constitution ; that it was an undoubted part of the common law of England, that the subject had a true property in his goods and possessions ; that this birth-right had been invaded by pressures more grievous, because they had been pursued by imprisonment, contrary to the franchise of the land ; and that the late judgment in the court of King's-Bench had rendered the laws and statutes of the realm of no avail towards obtaining redress for these oppressions.

Journals of
Commons
vol. I. p.
880.

Mr. Littleton, who was appointed to justify the declarations of the house of Commons, began with introducing the twenty-ninth article of Magna Charta: *Nullus liber homo capiatur, vel imprisonetur, aut, diseisetur, de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut ut lagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittimus, nisi per legale iudicium parium suorum, vel per legem terræ.* He shewed that there was a corruption crept into this copy, and that the original words were *nec eum in carcerem mittimus.* The words, *legem terræ*, he alledged, must of necessity be understood to be, By due process of law, and not, The law of the land, which would comprehend villains ; that these words were so explained in the fourth article of a statute made in the twenty-fifth of Edw. III. in which reign was the first invasion of this personal liberty ; that the words were yet more direct to the point in a statute made in the twenty-eighth year of this monarch ; that in the thirty-sixth year of his reign he gave an answer to a petition, in the form which made it an act of parliament, That no arrest by special command should be made, contrary to the statutes ; that a petition of parliament, in the same year of his reign, explain the words, *legem terræ*, in the same manner ; whereas it is contained in the Grand Charter, and other statutes, That none be taken or imprisoned by special command, without indictment or other due process to be made by the law ; yet oftentimes it hath been, and still is, that many are hindered,

Whilst the Commons were taking these measures to defend civil Liberty, they did not neg-

Anno 1628.

hindered, taken, and imprisoned, without indictment or other process made by law upon them. Besides these, Mr. Littleton quoted two statutes made against informers in this King's reign, the words of them sufficiently explaining the captious expression of *legem terræ* in Magna Charta. He then finished with confuting a false comment which had been made by the court-lawyers on a statute termed the Statute of Westminster, enacted in the third of Edw. I.

Matters of record and judicial precedents were committed to Mr. Selden, with the remedy of the Habeas Corpus. He began with illustrating this article, and then shewed that precedents ought not to be relied on but when they agreed with the express law; he next produced twelve precedents to the point, that persons committed without a legal cause expressed, ought to be delivered upon bail; and lastly, offered other kind of precedents, which were solemn resolutions of judges; things not of record, but yet remaining in authentic copies.

Journals of Commons, vol. I. p. 830.

Sir Edward Coke demonstrated, that the acts of parliament and precedents produced were but so many affirmations of the common law, and that there was no good reason of state against the shewing cause of imprisonment. He began by proving, that if freemen of England might be imprisoned at the will and pleasure of the King, then were they in worse state than bondmen and villains. He then entered upon a very deep discussion of the principles of the constitution in point of personal liberty, and concluded by shewing that no virtuous operation of government could be affected by leaving to subjects that jewel which not only distinguishes freemen from slaves, but the living from the dead.

Parl. Hist. vol. VII. p. 418, & seq.

It was agreed by the attorney-general, that the seven statutes urged by the Commons were yet in force; and that they did extend most properly to the king; but he said that some of them were in general words, and therefore concluded nothing, but were to be expounded by precedents; and others which were more particular were applied to the suggestions of subjects, and not to the King's command simply of itself.

To this Mr. Littleton replied, that the statutes were as direct as could be; and that though some of them speak of suggestions of subjects, yet others do not; and those which do are as effectual, for that they are in equal reason, a commitment by command of the King being of as great force, when

Parl. Hist. vol. VIII. p. 12, & seq.

Anno 1628. lect the popular subject of religious grievances :
A petition against recusants was presented by

it moveth by a suggestion from a subject, as when the King takes notice of the cause himself. To one of the twelve precedents which had been quoted by Mr. Selden, Mr. Attorney objected, that the lords of the council sent letters to the court of King's Bench to bail the prisoners. To this Mr. Selden, with great spirit, replied, that that letter was of no moment, being only a direction to the chief-justice, and no matter of record, nor any way concerning the judges : And besides, either the prisoner was bailable by law or not bailable ; if bailable by the law, then he was to be bailed without any such letter ; if not bailable by the law, then plainly the judges could not have bailed them upon the letter without breach of oath, which is, that they are to do justice according to the law, without having respect to any command whatsoever : So that such a letter, in any case, was, for point of law, no weight against what the record of the court shewed.

Ephemeris
Parliamentaria, p. 86,
& seq.

To four precedents, which the courtiers had brought against the resolutions of the Commons, Mr. Selden objected, that, by the constant course of the court of King's Bench, whosoever came by Habeas Corpus, or other writ, into that court, could not be bailed before they were first committed to the marshal of that court ; that these were thus committed appeared by the entry ; and that this plainly shewed that the court of King's Bench in every of them resolved, that the prisoners so committed were bailable, otherwise they had been remanded, not committed to the marshal of the King's Bench.

According to the direction of the house, Mr. Selden, in this conference, produced the draught of a judgment in the case lately adjudged in the court of King's Bench : " This case is famous, said he, and well known to your lordships, therefore I need no farther mention it ; and as yet, indeed, there is no judgment entered upon the roll, but there is room for any kind of judgment to be entered. But, my lords, there is a form of judgment, a most unusual one, such an one as never was in any such case before used ; for indeed there was never before any case so adjudged ; and this drawn up by a chief clerk of that court, by direction of Mr. Attorney-General, as the house was informed by the clerk ; in which the reason of the judgment, and the remanding of these gentlemen, is expressed in such sort as if it should be declared upon record for ever, that the law was, that no man could be enlarged

both houses on the thirty-first of March. Promises far so easy upon Charles, that he not only

Anno 1621.
Rushworth,
vol. I. p.
519.

enlarged from imprisonment who stood committed by any such absolute command.

“ Now, my lords, added Mr. Selden, because this draught, if it were ent red in the roll, as it was prepared for no other purpose, would be a great declaration contrary to the many acts of parliament already cited, contrary to all precedents of former times, and to all reason of law, to the utter subversion of the chiefest liberty and right belonging to every free-man of the kingdom; and for that especially also it suppose that divers ancient records had been looked into by the court in like cases, by which records their judgments were directed; whereas, in truth, there is not one record at all extant, which, with any colour, warrants the judgment; therefore the house of Commons thought fit also that I should, with the rest which has been said, shew this draught to your lordships ” Mr. Selden concluded his discourse by reading out of a book of lord-chief justice Anderson’s hand-writing, the resolution of all the judges of England upon commitments by absolute command. This report, though it was in favour of the resolutions of the Commons, yet, in the case of the imprisoned gentlemen, it had been quoted by the court-lawyers, as being strongly against the point of personal liberty.

The report of lord-chief justice Anderson.

“ Diverse persons fueront comittes a several temps a several prysons, sur pleasure, sans bon cause, parte de queux estiant amiesnes en Banck le Roy, et parte en le Commune Banck, fueront accordant a le ley de la terre, mise a large et discharged de le imprisonment, pur que aucuns grandts fueront offendus, et procure un commandement a les judges, que ils ne ferra ainsi apres ceo nient meen les judges, ne surcease mes per advise, entre eux ils fesoient certain articles, le tenour de queux ensus et deliver eux al seigneurs chauncelor et treasurer, et eux subscribe, avec tous leur manies, les articles sont come erisnoint.

“ We, her majesty’s justices of both benches, and barons of the Exchequer, desire your lordships that by some good means some order may be taken that her highness’s subjects may not be committed, or detained in prison, by commandment of any nobleman or counsellor, against the laws of the realm; either else to help us to have access to her majesty, to

Anno 1628.

gave his word to perform every article of the petition, but added, that the mildness he had hi-

the end to become suitors to her for the same: For divers have been imprisoned for suing ordinary actions and suits at the common law, until they have been constrained to leave the same against their wills, and put the same to order, albeit judgment and execution have been had therein, to their great losses and griefs; for the aid of which persons her majesty's writs have sundry times been directed to sundry persons having the custody of such persons unlawfully imprisoned, upon which writs no good or lawful cause of imprisonment hath been returned or certified; whereupon, according to the laws, they have been discharged of their imprisonment: Some of which persons, so delivered, have been again committed to prison in secret places, and not to any common or ordinary prison, or lawful officer or sheriff, or other, lawfully authorized to have or keep a gaol; so that, upon complaint made for their delivery, the Queen's courts cannot tell to whom to direct her majesty's writs; and by this means justice cannot be done. And moreover, divers officers and serjeants of London have been many times committed to prison, for lawful executing of her majesty's writs, sued forth of her majesty's courts at Westminster; and thereby her majesty's subjects and officers are so terrified that they dare not sue or execute her majesty's laws, her writs, and commandments. Divers others have been sent for by pursuivants, and brought to London from their dwellings, and, by unlawful imprisonment, have been constrained not only to withdraw their lawful suits, but have also been compelled to pay the pursuivants so bringing such persons great sums of money. All which, upon complaint, the judges are bound, by office and oath, to relieve and help, by and according to her majesty's laws. And where it pleaseth your lordships to will divers of us to set down in what cases a prisoner sent to custody by her majesty, or her council, are to be detained in prison, and not to be delivered by her majesty's court or judges, we think, that if any person be committed by her majesty's command from her person, or by order from the council-board; and if any one or two of her council commit one for high-treason, such persons so in the cases before committed, may not be delivered by any of her courts, without due trial by the law, and judgment of acquittal had. Nevertheless, the judges may award the Queen's writ to bring the bodies of such prisoners before them; and if, upon return thereof, the causes of their commitment be certified to the judges,

therto used had been upon hope that foreign princes might thereby be induced to use moderation towards their subjects of the reformed religion; but not finding that good effect which was expected, he resolved, unless he should very speedily see better fruits, to add a farther degree of severity than that which in the petition was desired. As Charles's conduct was directly opposite to the many promises he had made on this head, there is perhaps no public transaction through his whole reign which throws more contempt on his character than these petitions and answers, nor a more sufficient justification of the Commons for their not placing any confidence in his strongest asseverations.

Designation to foreign employments was not forgot among the grievances under debate: Sir Peter Hayman shewed his case; that, on refusing to lend on a privy-seal, he was sent by the lords of the council, at his own expence, to attend on an ambassador into the Palatinate. On

Parl. Hist.
vol. VII.
p. 403,
& seq.
Debates.

judges, as it ought to be, then the judges in the case before ought not to deliver him, but to remand the prisoner to the place from whence he came, which cannot conveniently be done unless notice of the cause in general, or else in special, be known to the keeper or gaoler who shall have the custody of such prisoner."

This report does great honor to these judges, who, though at this period entirely dependant on the crown, were the only protectors of the civil rights of the nation.

It is to be observed that the King's council could not bring one clear precedent that any prisoner had been denied bail on the return of their Habeas Corpus, when the cause of the imprisonment had not been expressed in the writ; not but the civil rights of the nation had been continually infringed in the arbitrary imprisonment of its subjects, but few of these unhappy sufferers had courage enough to claim the protection of the laws, in opposition to the tyrannical will of the sovereign.

Anno 1628. this head, Sir Edward Coke gave it as his opinion, that a subject, not being a servant of the crown, was not liable to forced service; and even in the other case, where a servant refused such a command, he shewed, by two several statutes, that the King could only seize the offices, fees, and lands he held in consequence of his services, but no commitment could legally ensue.

The power which the crown had lately usurped of inflicting domestic confinement was canvassed in the following manner. Mr. Selden said, that he could find no traces in former times of confinement to a man's own house, or elsewhere, by way of punishment, except in the case of the Jews, who were sometimes confined to the Old Jewry; that a domestic prison was a confinement only for madmen. Sir Thomas Hobby observed, that he was employed by Elizabeth in the year 1588; that though at that time it was held necessary to confine recusants in strong places, yet it was judged so illegal, that, after the defeat of the Spanish armada, the parliament petitioned the Queen to warrant the confinement.

Subsidies
voted.

With this business of grievances the Commons, according to promise, went on that of supply; they rejected the propositions, as too vast and too complicated *, but voted five subsidies for the necessities of the government.

The satisfaction Charles felt from this act of the Commons drew this speech from him: " He

* Mr. Alford said, that were they to answer punctually to every article of the propositions, it might be drawn into a precedent that the subjects were to maintain all the charges of war.

Sir Nathaniel Rich objected, that as the bill of tonnage and poundage was allotted for the defence of the coast, it would be a bad precedent to give other supply for that occasion. *Parl. Hist.* vol. VII. p. 397, & seq.

liked

liked parliaments at first; yet since, he knew not how, he was grown to a distaste of them; but was now where he was before, for he loves them and shall rejoice to meet his people again †."

Secretary Cook related to the house this speech, and a congratulatory one made on the same occasion to Charles at the council-board, by the duke of Buckingham. Though these congratulations were couched in very popular terms, yet several members took high offence that Buckingham should be mentioned in that house in so important a manner.

This was not the only vain attempt which was made to restore Buckingham to the good graces of the Commons: They had been assured from secretary Cook, that he had first moved and persuaded the King to assemble a parliament*.

After the Commons had thus gratified Charles with a vote of five subsidies, they were wholly engrossed in preparing an instrument to explain more fully those parts of Magna Charta, and the several statutes, which had been so notoriously violated by the late oppressive acts of the ministry. This they called a Petition of Right, it containing those privileges which had been already stipulated to the subject.

The house was frequently interrupted in this weighty business by the importunity of Charles; who, though he had given them assurances that

† Charles was in such a hurry to get this vote of five subsidies passed into a bill, that he sent to desire the Commons not to make any recess the Easter-holidays. This was displeasing to the house, lest it should affect their power of adjourning themselves when they pleased: Sir Edward Coke moved to have it entered, that it was done *ex rogatu regis*. *Parl. Hist.* vol. VII. p. 436.

* This was according to Sir Robert Cotton's advice.

Anno 1628.

he approved of uniting the grievances with the supply, continued to press them to expedite the latter business out of hand. On the twelfth of April, Secretary Cook delivered the following message: "That his majesty had long since expected the fruit of that which was so happily begun; but finding a stop beyond expectation, nay, beyond example, after so good a beginning, he commanded that, without any farther or unnecessary delay, the house should proceed in his business; for however he had been willing that his own affairs and theirs should concur and proceed together, yet his meaning was not that one should give interruption to the other, nor the time to be spun out on any pretence to hinder that resolution upon which the common cause of this kingdom, and even of all Christendom, did so much depend. He bids them therefore take heed that they force him not, by unnecessary and tedious delays, to make an unpleasing end of that which was so well began."

After Sir John Cook had given the house to understand that they were not to take this message as a threatening to dissolve the parliament, he farther added, "I must with some grief tell you, that notice is taken as if this house pressed not only upon the abuses of power, but upon power itself; this toucheth the King, and us, who are supported by that power." The house was so offended at what had fallen from Sir John Cook, that he was moved to explain what he meant by the word Power; which, he said, was by them opposed. This he refused, saying, I cannot descend to particulars, or go from that which his majesty gave me warrant or power to deliver.

On the debate on the King's message, it was at length agreed to nominate a committee to proceed

ceed on grievances. Certain instructions were Anno 1628.
given the speaker in answer to the message delivered by Sir John Cook; and a petition * was sent up to the throne, representing the illegality of billeting soldiers, and the enormities occasioned by that oppressive measure: This was to be the prelude to the Petition of Right. On the fourteenth of April the judges attended in the house of Lords, to give an account of the reasons of their judgment in the case of the gentlemen who had been imprisoned without an express cause shewn.. Sir Nicholas Hyde endeavored to excuse himself and brethren from this task, by representing it as a thing they ought not to do without warrant from the King. The popular members fired at this refusal: The lord Say answered, " If the judges will not declare themselves, we must take into consideration the point of our privilege." The duke of Buckingham, having undertaken to compose this difference, sent a message to the King for leave that the judges might obey the injunctions of the house. An answer having been returned in the affirmative, the judges proceeded to give the demanded satisfaction. The authorities which these corrupt expounders of the law quoted to justify their proceedings were so unsatisfactory, that, if there had

The judges questioned by the house of Lords.

* According to the instructions which the Commons had given, the speaker alleged, in his preamble to the petition, that the preserving those fundamental liberties which concern the freedom of person, and property of goods and lands, was an essential means to establish the true glory of a monarch, for rich and free subjects were best able to do service, either in peace or war; that this had been the cause of the happy and famous victories of the English, beyond other kingdoms of larger territories and greater numbers of people.

Charles was much displeased with the petition, and still more with this preamble. *Parl. Hist.* vol. VII. p. 445.

been

Anno 1628. been any thing wanting to the triumph of the Commons, it would have been completed by the poorness of that which was urged in vindication of the questioned judgment.*

Conference
between the
two houses.

Thus foiled, the courtiers did not altogether give up the point: The matter was again argued at a conference between the two houses, by the attorney-general and the King's counsel on one side, and a select committee of the house of Commons on the other. Though prolix quotations ought to be avoided by an historian, yet I must again transgress this general rule, to give my reader a just idea of those accurate sentiments of Liberty, personal and political, which fell from the illustrious personages who argued on the side of their country.

Parl. Hist.
vol. VIII.
p. 32, &
seq.

The attorney-general came fraught with authorities to combat the good sense, reason, and learning, of his antagonists. He began his discourse by objecting to the construction which the committee had made of the words, *per legem terræ*: "If, said he, they are to be understood *per debitum legis processum*, i. e. by indictment, presentment, or original writ, then it must necessarily follow, that no offender could justly and legally be committed and restrained of his liberty, unless he was first indicted or presented by a jury, or

* A few arbitrary precedents were quoted; and justice Jones farther insisted, they could not have acted otherwise; for, if they had allowed bail, it would have reflected on the King. Every one of the judges pleaded merit for not having complied with the request of Heath, that a special entry might be made of the judgment. They alleged, that they had only made an award, and that the prisoners might have brought another Habeas Corpus the next day. The judges disclaiming that they had given any judgment in the point, was a tacit confession that they could not have justified such an act.

that

that an original writ was brought against him; which neither is, nor ever was, the practice of this kingdom in criminal cases." After enlarging a little more on the subject, he quoted the opinions and resolutions of those judges who were esteemed the sages of the law: Stamford, in his Pleas of the Crown, judge Fortescue, Fitzherbert, Newton, and Sir Edward Coke, who had advanced in the house of Commons, that one committed by the body of the council was not bailable by law. After he had dwelt some time on these authorities, and made some frivolous objections to the precedents which had been quoted on the other side, he pursued his argument in the following manner: "But it hath been objected, that if the King or council may commit, without shewing cause, it would be infinitely full of mischief: for as the King may commit one, so he may commit many; as he may commit for a just cause, so he may commit without a cause; as he may commit for a time, so he may commit for a perpetual imprisonment. To this I answer, that it cannot be imagined of the King that he will at any time, or in any case, do injustice to his subjects. It is a maxim in our law that the King can do no wrong; therefore the King can give no land by disseisin; he can give no advowson by usurpation; and this is so far from being a defect or impotency in the King, that it is held for a point of his prerogative.* The reason is, as the King is supreme governor of his people, so he is *pater patriæ*, therefore he cannot want the affection of a father towards his children." He then

* These two examples of legal restraints upon the prerogative are directly contrary to the point of supposed infallibility in the prince.

proceeded

Anno 1628. proceeded to exemplify the necessity of trusting the King with the questioned point of power, instancing two pretended necessary acts of tyranny of Elizabeth; the one in imprisoning some suspected persons till one Owen, a chief conspirator, was caught, and the other in committing to perpetual confinement the two innocent sons of the Irish rebel O'Donnel.

Parl. Hist.
vol. III.
p. 47, &
seq.
Ephemeris
Parliamentaria,
p. 142, & seq.

Serjeant Ashly seconded what the attorney-general had advanced, by asserting, that by *lex terræ* could only be meant the law of the land; that there were divers laws of the land, as the common law, the law of the Chancery, the ecclesiastical law, the law of the Admiralty, or the marine law, the law of merchants, the martial law, and the law of the state; that these words, *legem terræ*, extended to all these; and that by this law of state kings could imprison their subjects at their pleasure, without shewing the cause. “ Divine truth informs us, said he, that kings have their power from God, and are representative gods; the psalmist calling them the children of the Most High, which is in a more especial manner understood of kings than of other men; for all the sons of Adam are by creation the children of God, and all the sons of Abraham are, by recreation, or regeneration, the children of the Most High: But it is said of Kings, they are the children of the Most High in respect of the power which is committed to them, who hath also furnished them with ornaments and arms fit for the exercising that power, and given them sceptres and crowns; sceptres to institute, and swords to execute laws; and crowns, as ensigns of that power and dignity with which they are invested. Shall we, then, conceive that our King hath so far transmitted the power of his sword to inferior magistrates

magistrates that he hath not reserved so much Anno 1628. supreme power as to commit an offender to prison."

Serjeant Ashley's zeal for slavery subjected him to this ominous reproof from the lord-president, who told the gentlemen of the house of Commons, that though at this free conference liberty was given by the Lords to the King's counsel to speak what they thought fit for his majesty's service, yet Mr. Serjeant Ashley had no authority or direction from them to speak in the manner he had done. Parl. Hist. vol. VIII. p. 53.

These were the answers of the committee to what had been advanced on the King's side by the attorney and the serjeant: and, first, Mr. Littleton said, that they had never restrained the process of the law to writs original; but by the words, "process of the law," they understood the whole proceedings of the law, and so took in the constables, and all those inferior officers, who, notwithstanding, are never used without a cause. He shewed the futility of Mr. Attorney's conclusion, and then said, that as to what Mr. Serjeant understood *per legem terræ*, many laws in England, martial, admiral, ecclesiastical, and that of the ninth of Edw. III. called merchant law, he challenged any man in England to shew that *lex terræ* should be spoken of any but the common law, in any law-book, statute, or antient record. "And, continued he, for what that gentleman objects, that the house of Commons think they have gained their cause, because the king's counsel have yielded the statutes to be in force; alas! we do not labor for victory, but truth; convince our understandings by better reasons, and the cause shall be yours." Ibid. & seq.

Anno 1628.

Sir Edward Coke took up the example of O'Donnel's children, and said, that it was a strange proviso that a thing happening in an hundred year should overthrow and mar so many statutes in continual use, against the old rule, "*ad eaque frequentius accidunt jura adaptantur.*" To the next example which Mr. Attorney had brought, that a king is trusted in greater things, as war, money, pardons, denisons, *ergo*, &c. "I deny, said he, that these are greater things, for the liberty of the person is beyond them all; besides, whatever the King's power is in these points by the common law, yet is it qualified by acts of parliament." To prove this assertion, Sir Edward Coke cited several statutes. "The common law, continued he, hath so admeasured the King's prerogative, as he cannot prejudice any man in his inheritance: Law doth privilege noblemen in arrests; this new doctrine, like the little god Terminus, yields to none; nay, the judges themselves, when they should sit on the bench, must be walking towards the Tower*."

* Sir Edward Coke, with a very laudable candor, owned that his former opinion was an erroneous one. He complained that he had not been well dealt with to have his reports, whilst a student, cited against him. He desired Mr. Attorney to remember that he had not *veritatem ex cathedra*, or infallibility of spirit. He owned that he had misgrounded his opinion on the thirty-third of Henry VI. which being nothing to the purpose, he was assured that his opinion was nothing to the purpose. "I confess, said he, when I read Stamford then, and had it in my hand, I was of that opinion at the council-table; but when I perceived that some of the members of this house were taken away, even in the face of this house, and sent to prison, and when I was not far off from that place myself, I went to my book, and would not be quiet till I had satisfied myself: Stamford at first was my guide, but my guide hath deceived me, and therefore I swerve from it; I have now better guides—acts of parliament, and other precedents; these are now my guides." *Parl. Hist.* vol. VIII. p. 62. *Guthrie*, vol. III. p. 878.

Mr. Glanville observed that the King might safely be trusted with what concerned himself equally with the subject, but not with what only concerned the subject: "We allow him a liberty to confer grace, adds he; but not, without cause, to inflict punishment; and indeed he cannot do injury, for if he commanded to do a man wrong, the command is void in law, and the actor becomes the wrong-doer."

Mr. Selden used many learned arguments to enforce the foregoing ones, and desired the Lords to weigh the difference between the King's counsel and their antagonists: "The King's counsel, said he, speak for the King's advantage, as glosses and parties; but the condition of their antagonists is this, that as they are members of the house of Commons they are bound to speak truth, and also, by a strict oath, to maintain the King's rights and pre-eminence."

Sir Edward Coke concluded with this speech: "My lords, your noble ancestors, whose places you hold, were parties to Magna Charta, so called for weight and substance; and you, my lords the bishops, are commanded to thunder out your anathemas against all infringers of it; and all the worthy judges who deserved their places have ever held Magna Charta in great estimation. Now as justice hath a sword, so it hath a balance: Put together, my noble lords, in one balance, seven acts of parliament, records, precedents, reasons, all which we have spoken, and that statute of the eighteenth of Edw. III. whereto there has been no answer; and, in God's name, put into the other balance what Mr. Attorney hath said, his wit, learning, and great endowments of nature; and if he be weightier, let him have it: if not, then conclude with us. You are involved

Anno 1628. in the same danger with us, and therefore we desire you, in the name of the Commons of England, represented in us, that we may have cause to give God and the King thanks for your justice in complying with us."

Mr. Attorney summed up the arguments, and Mr. Noy rejoined, That it was agreed on both sides, that the King might commit for a cause, not without. But Mr. Attorney had said, he was not bound to express a cause; to which it was replied, that the judges are to judge between him and his people, *ergo*, no cause no judgment; and therefore the King ought not to commit for any time, no, not an hour, without expressing the cause.

Parl. Hist.
vol. VIII.
p. 68, &
seq.

In a committee of the house of Lords on this conference, on a motion of the earl of Warwick, a spirited popular peer, serjeant Ashley was taken into custody for the unconstitutional doctrine he had advanced in behalf of the crown*. This noble lord displayed a strong and lively talent of reasoning in support of what had been advanced by the Commons. "I will observe something out of the law, said he, wherein this liberty of the subjects person is founded, and something out of the precedents which have been alledged. As to Magna Charta, and the rest, concerning these points, they are acknowledged by all to be now in force; that they were made to secure the sub-

* On a petition, expressing his sorrow for the displeasure he had given, and desiring to make such recognition as the Lords should enjoin him, he was admitted to make his submission, and ask forgiveness for his fault; this he did upon his knees, and was then discharged from custody. The grounds of the accusation against him were the pleading, that the King must be allowed to govern by a law of state. *Parl. Hist.* vol. VIII. p. 68, & seq.

ject from wrongful imprisonment; and that they concern the King as much or rather more than the subject. Well then, besides Magna Charta, and those six other acts of parliament, in the very point, we know that Magna Charta itself hath been at least thirty times confirmed, so now at this time we have thirty-six or thirty-seven acts of parliament to confirm this liberty, although it was made a matter of derision the other day in this house. — Now, therefore, if in parliament we shall make any doubt of that which is so fully confirmed by parliament; and, in a case so clear, go about by new glosses to alter these old and good laws; we shall not only forsake the steps of our fore-fathers, who, in cases even of small importance, would answer *Nolumus leges Angliæ mutari*, but we shall yield up and betray our right in the greatest inheritance the subjects of England have, and that is the laws of England. Truly, I wonder how any man can think that this house, though no lawyers, can admit of such a gloss upon a plain text as should overthrow the very end and design of the law. For whereas the law of Magna Charta is, that no freeman shall be imprisoned but by lawful judgment of his peers, or the law of the land, it has been insisted on by some, that by these words, “the law of the land,” it is to be understood that the King hath power to commit without shewing any cause; which is an exposition not only expressly contrary to other acts of parliament, and those especially before cited, but against common sense. Mr. Attorney confesseth this law concerneth the King; why then, where the law saith the King shall not commit but by the law of the land, the meaning must be, as Mr. Attorney would have it, that the King must not commit but at his own pleasure. And shall

Anno 1628. we think that our ancestors were so foolish as to hazard their persons and estates, and labor so much to get a law, and to have it thirty times confirmed, that the King might not commit his subjects but at his own pleasure? nothing can be more ridiculous, or more contrary to reason and common sense. — Mr. Serjeant Ashley the other day told your lordships of the emblem of a king; but by his leave he made a wrong use of it, for the king holds in one hand the globe, and in the other the sceptre, the types of sovereignty and mercy; but his sword of justice is ever carried before him by a minister of justice, which shews that subjects may have their remedies for injustice done, and that appeals lie to higher powers.”

The conclusion of the debates of this house was, that a commitment by the King or his council is good in point of authority; and, if the cause of the commitment was just, then it was good in point of matter; but that these two concessions were no way to prejudice the King's authority, nor yet the propositions of the house of Commons.

Notwithstanding the continual importuning messages with which the Commons were plied from the throne, they were at this time solely engaged in preparing the Petition of Right. The subsidy-bill had not passed, and Charles was in a perplexing situation: The Commons he found deaf to every proposal which thwarted their intended purpose; to lose the supply, and dissolve the parliament, on the refusal of assenting to that which had been clearly proved the legal privileges of the subject, was a measure which even the desperate Buckingham would not venture on. To confirm privileges which clashed so entirely with the pretensions of the crown, privileges which
evinced

evinced the injustice of the late measures, was a Anno 1628. condescension insupportably humiliating to the monarchical Charles.

His party had prevailed so far in the house of Lords, that they had sent the following message to the Commons: That they concurred with that assembly in their desire of all just liberties to the subject, but they found it fit and necessary also to preserve the just prerogative of the King: And to the end that both houses might agree therein, they desired another conference on the subject.

In this conference the archbishop of Canterbury, who, though a good man, was an indifferent politician, proposed that certain propositions, instead of the Petition of Right, should be presented by both houses to the King for his assent. The substance of these propositions was, That the King should declare that Magna Charta, and the six subsequent statutes, were yet in force; that every free subject had a property in his goods; that it was his royal pleasure that his subjects should enjoy all the privileges their ancestors enjoyed under the best and the most noble of his progenitors; that in all causes within the cognizance of the civil law, and concerning the liberty of the subject, he would proceed according to the laws established in the realm; that he would resolve not to use his prerogative to the prejudice of his people; and if he should find just cause of state to imprison or restrain any man's person, that he would graciously declare that he would, within a convenient time, express the cause of the commitment or restraint, either general or special, and, upon a cause so expressed, would leave him immediately to be tried according to the common justice of the kingdom.

Conference
between the
two houses.

Ephemeris
Parliamentaria, p. 53,
& seq.

Men less judicious and clear-sighted than were

Anno 1628. the members who composed the present house of Commons, might have seen that these propositions were so far from answering the purpose of restraining the prerogative, that they acknowledged a power in the King which defeated the intent of every statute which had been made in favor of the subject. The Commons avoided quarrelling with the Lords at this critical juncture; therefore, without making any comment on their proposal, they in very civil terms excused themselves from assenting to it, and steadily adhered to their own resolution.

This conference was immediately followed by a speech from the lord-keeper, which assured the two houses, that the King looked upon the statutes insisted upon for the subjects' liberty to be all in force; that he will maintain all his subjects in the just freedom of their persons, and safety of their estates; that he will govern according to the laws and statutes of the realm, and that they shall find as much security in his royal word and promise, as by any law they could make.

It would swell this work with much insipid matter to relate all the absurd speeches and messages which passed on this occasion: Secretary Cook enlarged upon them all. The following arguments were at different times used by this tool of royalty, to bring the Commons to acknowledge the court creed; viz. A sovereignty in the prince superior to laws; that these might direct, but could not restrain, a monarch; and that consequently the subjects' surest dependance was on the word of their King, who would look upon himself as bound by the sacred ties of honor to keep what he had solemnly promised. "Whatsoever law we can make, said Cook, must come to his majesty's allowance; and if his majesty find cause in his

Parl. Hist.
vol. VIII.
p. 79, &
seq. p. 95,
& seq.

his government, he need not put life to it. We daily see all laws are broken; and all laws must be broken, for the public good. The wrath of a King is like the roaring of a lion, and all laws, with his wrath, are of no effect; but the King's favor is like the dew of the grass; there all will prosper; and may God make him the instrument to unite all our hearts. The King's heart is in his promise; is not his majesty engaged in his royal word? can we do more? we are come to the liberty of the subject, and the prerogative of the King. I hope we shall not add any thing to ourselves to depress him. Will we in this necessity strive to bring ourselves into a better condition, and greater liberty, than our fathers had, and the crown into a worse? I dare not advise his majesty to admit that. We deal with a wise and valiant prince, who hath a sword in his hand for our good; and this good is supported by power. Do not think that by cases of law and debate we can make that to be no law, which, in experience, we every day find necessary. Make what law you will, government is a solid thing, and must be supported for our good. If I will discharge my duty, added he, and the oath I have taken to his majesty, I must commit, and neither express the cause to the goaler nor to the judges, nor to any counsellor in England, but to the King himself. Yet do not think I go without ground or reason, or take this power committed to me to be unlimited; yea, to me it is rather a charge, burthen, and danger; for if I, by this power, shall commit the poorest porter, if it appear I do it not upon a just cause, the burthen will fall heavier upon me than the law can inflict, for I shall lose my credit with his majesty, and also my place; and I beseech you consider whether those who have been
in

Anno 1628. in the same place have not committed freely, and not any doubt made of it, nor complaint from the subject."

Had the meaning of Charles's anxiety to get rid of the Petition of Right been less apparent to the Commons than it really was, this doctrine would have sufficiently shewn what use the monarch intended to make of the demanded forbearance; that what the Commons insisted on as their undoubted right he would have construed as flowing from royal favor; that the power of princes could not be limited by human bonds; and that the rectitude of their judgment was the only safeguard of subjects; that all laws must give way to reasons of state, of which reasons of state sovereigns were the sole judges.

Debates in
the lower
house.
Parl. Hist.
vol. VIII.
p. 104,
& seq.

"Was ever a verbal declaration of the King, said Sir Edward Coke, *verbum regis*? When grievances be, the parliament is to redress them. Did ever parliament rely on messages? they put up petitions of their grievances, and the King ever answered. The King's answers are very gracious: But what is the law of the realm? that is the question. All succeeding Kings will say, "Ye must trust me as ye did my predecessors, and trust my messages." But messages of love never came into a parliament; let us put up a Petition of Right; not that I distrust the King, but that I cannot take his trust but in a parliamentary way."

Rushworth,
vol. I. p.
554.

"Never house of Commons, said Sir Thomas Wentworth, trusted more in the goodness of their King, so far as regarded themselves only, as the present; but we are ambitious that his majesty's goodness may remain to posterity, and we are accountable to a public trust: And therefore, seeing there hath been a public violation of the laws by

by his ministers, nothing can satisfy them but a public amends.” Anno 1628.

The substance of this speech was delivered to the King in an answer to the many importunate messages he had sent the Commons to rely upon his royal word. This drew from him an assent to the proposed bill; but the very next day secretary Cook again importuned the house on the old strain of depending on the faith of the crown*. Charles, as a proof how much that faith was to be relied on, after having given the Commons to understand that he assented to their desire of a confirmation of the privilege of the subject in their own way, sent a letter to the Lords to frustrate the intent of the petition: viz. That he could not give up the point of committing in matters of state; that he promised for the future to be very tender of the peoples’ privileges; to commit none for not lending money; and that the causes of all commitments should be expressed as soon as they could with safety. Parl. Hist. vol. VIII. p. 110, & seq.

Trifling and unsatisfactory as were these assurances, they had so much weight with the Lords†, that they recommended to the Commons that

* Secretary Cook proposed that this point should be debated before the house, and not before a committee, saying, that it was a new course to go into a committee of the whole house. This proposal of secretary Cook was not assented to, and Sir John Elliot replied, that the proceeding in a committee was more honorable and advantageous, both to the King and the house; for that way led most to truth, as it was a more open way, where every man might add his reasons, and make answer upon the hearing other mens’ reasons and arguments. *Parl. Hist.* vol. VIII. p. 104.

† Whilst the Commons had been wholly employed on the comprehensive subject of public Liberty, the Lords had been busied in matters concerning their own particular aristocratical privileges.

their

Anno 1628. their petition might be reduced within the compass of the King's letter. The Commons refused to proceed upon the letter, as being contrary to the custom of parliaments; but offered to confer on any alterations which should be propounded by the Lords. The Lords, after having debated this matter some days, resolved on the following addition to the Petition; which the Commons had referred to their approbation: "We humbly present this Petition to your majesty, not only with a care of preserving our own liberties, but with due regard to leave entire that sovereign power wherewith your majesty is trusted for the protection, safety, and happiness, of your people *."

The Lords propose an addition to the Petition of Right.

It is difficult to imagine that the Lords could be so totally blind to consequences, as not to perceive the weighty objections to this clause; or that the popular lords would have suffered it easily to pass, if they had not been certain of its fate in the lower house. It was rejected there with a warmth equal to the importance of the question.

Debates on this proposal. Rushworth, vol. I. p. 562, & seq.

"Let us look into the records, said Mr. Alford, and see what this sovereign power is. Bordin saith, that it is free from any conditions: By this we shall acknowledge a regal as well as a le-

* In a committee of the whole house on the contents of this petition, the lord Say moved, that those lords who stood for the liberties of the nation might make their protestation, and that to be upon record; and the opposite party should, with the subscription of their names, enter their reasons, to remain upon record; that so posterity might not be to seek who they were who so ignobly betrayed the Freedom of their country.

The oppressed bishop of Lincoln was the sycophant who chiefly promoted the adding this clause to the petition. *Sanderson's Life of King Charles*, p. 110.

gal

gal power. Let us give that to the King the law Anno 1623. gives him, and no more."

"All our petition, said Mr. Pym, is for the laws of England; and this power seems to be another distinct power from the power of the law. I know how to add sovereign to the King's person but not to his power."

"We cannot admit, said Mr. Hackwell, of these words with safety; they are applicable to all the parts of the Petition; it is in the nature of a saving; all the laws we cite are without a saving; and yet now, after the violation of them, must we add a saving?"

"This is *magnum in parvo*, said Sir Edward Coke; it is a matter of great weight; it will overthrow all our Petition; it trencheth to all parts of it; it flies at loans, at the oath, at imprisonment, and at billeting soldiers; this turns all about again. Look into all the petitions of former times, they never petitioned wherein there was a saving of the King's sovereignty. I know that prerogative is part of the law; but sovereign power is no parliamentary word. In my opinion it weakens Magna Charta, and all the statutes; for they are absolute, without any saving of sovereign power: And should we now add it, it will weaken the foundation of law, and then the building must fall. Take we heed what we yield unto: Magna Charta is such a fellow that he will have no sovereign." *Edw. 1. c. 1.*

Sir Thomas Wentworth and Mr. Noy spoke to the same purpose. Mr. Selden shewed, that there never had been such a clause in any preceding statute, excepting in one petition of the parliament in the twenty-eighth of Edward I. but this was so much disliked by the people, that, on a representation to the King, it was taken away by

Anno 1628. the next parliament. Mr. Maſon made an excellent ſpeech on the ſame ſubject: After having obſerved that Magna Charta was framed to limit the arbitrary power which the Norman race aſſumed on the conqueſt of our anceſtors, “ The ſtatutes then mentioned in our petition, added he, reſtraining that abſolute power of the conqueror. If we recite thoſe ſtatutes; and ſay we leave entire that ſovereign power, we do take away that reſtraint which is the virtue and ſtrength of thoſe ſtatutes, and do hereby ſet at liberty this claim of ſovereign power of a conqueror, which then will be limited and reſtrained by no laws. And it was ſaid, that all ſovereign power is not mentioned to be left, but only that with which the King is truſted for our protection, ſafety, and happineſs. But I conceive this to be an exception of all ſovereign power; for all ſovereign power in a King is for the protection, ſafety, and happineſs of his people. If all ſovereign power be excepted, you may eaſily judge the conſequence, all loans and taxes being impoſed by color of that ſovereign power. The word *truſted* is very ambiguous, whether it be meant truſted by God only as a conqueror, or by the people alſo as a King, who is to govern according to law, *ex pacto* *.—If this addition does not refer to the petition, it is merely uſeleſs and unneceſſary, and unbefitting the judgment of this grave and great aſſembly to add to a petition of this weight. If it hath reference to it, then it deſtroys not only the virtue and ſtrength of our Petition

* Both Charles and his father aſſerted on all occaſions, that they held their power from God, and were to him only accountable for their actions. This was not the creed of the houſe of Commons: but they no where expreſs their ſentiments on this head more ſtrongly than they are here expreſſed in this part of Mr. Maſon's ſpeech.

of Right, but our rights themselves ; for the addition being referred to each part of the Petition, it will necessarily receive this construction ; viz. That none ought to be compelled to make any gift, loan, or such-like charge, without common consent or act of parliament, unless it be by the sovereign power with which the King is entrusted for the protection, safety, and happiness of his people ; that none ought to be compelled to sojourn or billet soldiers, unless by the same sovereign power ; and so of the rest of the rights of the Petition : And then the most favorable construction will be, that the King hath an ordinary prerogative, and by that he cannot impose taxes or imprison ; that is, he cannot impose taxes at his will, or employ them as he pleaseth ; but that he hath an extraordinary and transcendent sovereign power, for the protection and happiness of his people, and for such purpose he may impose taxes or billet soldiers as he pleaseth. And we may assure ourselves, that hereafter all loans, taxes, or billeting soldiers, will be said to be for the protection, safety, and happiness of the people ; certainly hereafter it will be conceived, that an house of parliament would not have made an unnecessary addition to this Petition of Right ; and therefore it will be resolved, that the addition hath relation to the Petition, which will have such operation as I have formerly declared. And I the rather fear it, because the late loan and billeting have been declared to have been by sovereign power, for the good of ourselves : And if it be doubtful whether this proposition hath reference to the petition or not, I know who shall judge whether loans or imprisonments hereafter be by that sovereign power or not * ”

* This judicious member had influenced the house not to make their resolutions on the point of personal liberty the pre-

Anno 1628.

Such were the debates of the Commons, when a message from the King to both houses occa-

premises of their Bill of Rights. “ Because said he, if by an act of explanation we shall provide only that the cause ought to be expressed upon the return of the Habeas Corpus, then out of the words of the statute it will necessarily be inferred, that before the return of the Habeas Corpus the cause need not to be expressed, because the statute hath appointed the time of the expression of the cause. This then, which we term an act of explanation, will be an act for the abridging Magna Charta, and the rest of the statutes. In my understanding, the words of this intended law, “ That no freeman ought to be committed without cause,” can no way advantage us, or satisfy the objection. For, till the return of the Habeas Corpus, he who commits is judge of the cause, or at least hath a licence by this law till that time to conceal the cause, and the gaoler is not subject to any action for the detaining the prisoner upon such a command: For if the prisoner demand the cause of his commitment of the gaoler, it will be a safe answer for him to say that he detained the prisoner by warrant, and that it belongs not unto him to desire those who commit the prisoner to shew the cause until he returns the Habeas Corpus. And if the prisoner be a suitor to know the cause from those who committed him, it will be a sufficient answer for them to say, they will express the cause at the return of the Habeas Corpus. In this case there will be wrong, because the commitment is without cause expressed, and one who suffers that wrong, viz. the party imprisoned; and yet no such wrong-doer but may excuse, if not justify himself, by this law. And if the prisoner procure a Habeas Corpus, and be brought into the King’s Bench by virtue of it, yet the cause need not to be then expressed, the provision of this law being, that if no cause be then expressed he shall be bailed; and no cause being shewn upon the return of the Habeas Corpus, yet it may be pretended, that, at the time of his commitment, there were strong presumptions of some great offence; but, upon farther examination, they are cleared. So we may be frequently imprisoned in this manner, and never understand the cause; and have often such punishments, and no means to justify ourselves: And for all these proceedings this very law will be the justification and color. If by this act there be a toleration of imprisonment, without shewing cause until the return of the Habeas Corpus, yet it is possible to accompany that imprisonment with such circumstances of close restraint, and others which I forbear to express, as may make an imprisonment for that short time as

great

sioned another conference on the subject. The rational part of the arguments urged to the Lords against this proposal were pretty much the same with those contained in Mr. Mason's speech *. The conviction they carried with them did not prevent the Lords from desiring another conference, to consider of any other way to express a respect of the King's power, either by manifestation, declaration, or protest. This proposal was rejected by the Commons with disdain; and the Lords at length concluded this tedious affair with a resolution to clear themselves from any design to restrain the prerogative of the crown, by the following declaration :

Anno 1628.
Conference
between the
two houses.

great a punishment as a perpetual imprisonment, in the ordinary manner." Here Mr. Mason shewed that the sense of these resolutions might be so far evaded, that a man might be translated from one prison to another, and his whole life be spent in this peregrination. In the conclusion of this speech he observed, that nothing but such an act of parliament could give the King a legal power to commit without expressing a lawful cause; and added, that by providing for reasons of state they might spring a leak which might sink all their liberties, and open a gap through which Magna Charta, and all the statutes, might issue out and vanish. *Parl. Hist.* vol. VIII. p. 89, & seq.

* Sir Henry Martin put the Lords in mind of the moderation with which the Commons had conducted this affair. " We are not ignorant, said he, in what language our predecessors were wont to express themselves on much lighter provocations; and in what stile they framed their petitions. No less amends could serve their turn than severe commissions to enquire upon the violaters of their liberties; banishment of some, execution of other offenders, more liberties, new oaths of magistrates, judges, and officers, with many other provisions, written in blood. Yet from us there hath been heard no angry words in this petition; no man's person is named; we say no more than what a worm trodden upon would say, I pray tread upon me no more." *Parl. Hist.* vol. VIII. p. 137, & seq.

Anno 1628.

“ May it please your most excellent majesty ; we, the Lords spiritual and temporal, in your high court of parliament assembled, do humbly and unanimously declare unto your majesty, that our intention is not to lessen or impeach any thing which, by the oath of supremacy, we have sworn to assist and defend.”

The Peti-
tion of
Right passes
both houses.
June 2.

The Lords were told by the duke of Buckingham, that this declaration was most welcome to his majesty. The Petition now passed both houses, and in four days afterwards the King came to the house ; and, after having observed to the Lords and Commons the shortness of the time he had taken to answer their Petition, and the lord-keeper had put both houses in mind that they had professed to have no intention to lessen or diminish his majesty's prerogative, the Petition being read, Charles gave this answer :

The King's
answer to
the Petition
of Right.

“ The King willeth that right be done, according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppression contrary to their just rights and liberties ; to the preservation whereof he holds himself as much obliged as of his own prerogative.”

Debates on
the King's
answer.

If the Commons had imagined themselves on the point of receiving the fruits of their labor, ingenuity, and forbearance, they must have been inflamed with disappointment, as well as indignation, at this fresh insult on their understandings. It is very certain that they returned in a very ill humor to their house : The King's answer to their Petition of Right was read, and displeased every patriot. On this occasion Sir John Elliot made a long speech, in which he pathetically set forth all the past and present grievances
of

of the times. Sir Edward Coke propounded, Anno 1628. that a remonstrance should be presented, touching the present dangers, and the means of safety, for the King and kingdom: This was agreed on, and entrusted to the committee for the bill of subsidies. Secretary Cook completed the present disgust, by giving the house to understand, that his majesty having, upon the Petition exhibited to him by both houses, given an answer so full of justice, and grace, that themselves and their posterity had just cause to bless him, intended to put an end to this session of parliament on Wednesday the eleventh.

The Petition of Right had so wholly engrossed the attention of the Commons, that all other business was for a time suspended. The offender Manwaring now felt the whole weight of their resentment: A heavy charge was brought in against this sycophant, who had so prophanely prostituted religion to the purposes of base policy *. The Commons were employed in this

Charge
against
Manwaring.

* Among other offensive sermons which had been preached before the King, one by Dr. Goodman (bishop of Gloucester) asserted, in a positive and literal explication, the real presence of Christ in the sacrament of the Lord's Supper. This doctrine occasioned great scandal; yet the King would not suffer the convocation to take cognizance of it, but referred it to the archbishop of Canterbury, the bishops of Winchester, Durham, and St. David's, and the affair was concluded by the bishop's preaching the sermon again, with explanatory observations. Before I leave this subject, it may not be improper to notice, that Laud had been sent by Buckingham to Andrews bishop of Winchester, to propose that that the convocation should take under consideration the subject of dispute between the Arminians and their antagonists the Calvinists. On Andrews's representation of the affections of the clergy, the business was postponed, as the Arminian tenets were not so generally entertained as to trust the determination of those points to a convocation. *Heylin's Life of Laud*, fol. ed. 1668, p. 153.

Anno 1628

business when they received the King's message concerning the termination of the session. The message was entirely disregarded; a declaration against Manwaring completed, and Mr. Pym, who presided in all the committees concerning religion, managed the charge which was brought against him in the upper house.

Parl. Hist.
vol. VIII.
p. 189, &
seq.

Charles, being highly offended at the slight put upon his last message, ordered the Lords to adjourn for a day; and sent another message to the lower house, requiring them not to enter upon new business, which might spend greater time, or might lay any scandal or aspersion upon the government. Warm debates ensued on the occasion of this ungracious interruption: Sir Robert Philips proposed to address the King for leave to return home immediately, since they were stopped from giving advice, and what they had hitherto done of advantage to their country had been grossly misrepresented. Sir John Elliot began a speech to the same effect, but was interrupted by the speaker; who, imagining he was going to tax Buckingham, started up from his chair, and said, "There is a command laid upon me to interrupt any who shall go about to lay an aspersion on the ministers of state." On this interruption Sir John Elliot sat down: Some of the court-party said, that the speech lately made by that member had, they feared, given offence to his majesty. This occasioned a declaration of the house, that every member was free from any undutiful speech, from the beginning of the parliament to that day. After this, they turned themselves into a grand committee; but the speaker desired leave to withdraw for half an hour*.

* On all the important debates which had been held this session, the serjeant was ordered to attend on the out side of the

His request being granted, the house proceeded on their debate. Mr. Wandsford said, "I think it is fit we go to the King, for this doth concern our liberties. Let us not fear to make a remonstrance of our rights; we are his counsellors. There are some men who call evil good, and good evil. Justice is now called Faction." Sir Edward Coke, after having dilated on the moderation with which the Commons had conducted themselves, after such a violation of their privileges, and, from the examples of former times, had shewn that nothing could grow to abuse but what that house had power to treat of, added, "Let us palliate no longer: I think the duke of Buckingham is the cause of all our miseries." On the naming this detested minister as the general nuisance, the whole house cried out, "'Tis he! 'tis he!" Every mouth was open to accuse him. Mr. Selden advised that a declaration should be drawn up, under four heads; 1. To express the house's dutiful carriage towards his majesty; 2. To tender their liberties which were violated; 3. To present what the purpose of the house was to have dealt in; 4. That that great person, the duke, fearing himself to be ques-

the door of the house, and no man was to offer to go out, upon penalty of being sent to the Tower. Mr. Kirton observed, that for the speaker to desire to leave the house in such a manner, was never heard of before; he feared it would be ominous. The following expression, which this member had used in the house, was called in question by the court-party: That the enemies of the commonwealth had prevailed on the King to dispute their rights: but he doubted not but God would send them hearts, hands, and swords, to cut the throats of the enemies to the King and people. The house resolved, that in this he had said nothing beyond the bounds of duty and allegiance; and that they all concurred with him therein. *Parl. Hist.* vol. VIII. p. 164, 192, 199.

Anno 1628. tioned, did interpose, and cause the present distraction. “ All this time, said he, we have cast a mantle on what was done last parliament ; but now, being driven again to look upon that man, let us proceed with that which was then well began ; and let the charge be renewed, which was made last parliament against him ; to which he made an answer, but the particulars thereof were so insufficient, that we might demand judgment on that very answer.”

Mr. Selden having thus concluded his speech, whilst the motion was making to put these things to the question, the speaker, who had been privately with the King, brought word, his majesty commanded that the house should adjourn till next morning, and that all committees in the mean time should cease. The house thought fit to comply with this command. On the succeeding day, the speaker endeavored to sooth them by many professions of his own zeal for the service of that house, with assuring them they had misconstrued the King's last message. At the same time he delivered them another to this purpose : That the King had no meaning of barring them of their rights, but only to prevent a longer time of consideration than what he had fixed ; and that all Christendom might take notice of a sweet parting between him and his people.

Debates on
grievances
resumed.

Notwithstanding this sweetening, the house resumed their debates upon grievances, with an earnestness which boded no relaxation to the firmness of their preceding resolutions. Among other abuses, they fell upon the design of bringing into England a body of German horse. This was intended to be a secret ; but it was found out by some of the popular members, and communicated to the house. On this intelligence, Burle-
machi

machi was ordered to attend: He acknowledged ^{Anno 1628.} that he had received thirty thousand pounds, by privy-seal, to buy horses. Such a discovery gave room for the blackest comments; the ill intentions of the ministry blazed conspicuous to the public; and Charles, under the opprobrium of the darkeſt ſuſpicions, was obliged to comply with a requeſt of the Commons, that he would give a clear and ſatisfactory answer to the Petition of Right *. This requeſt was made next

* The Petition of Right

Humbly ſhews, That whereas it is declared and enacted, by a ſtatute made in the time of the reign of king Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid ſhall be levied by the King or his heirs, in this realm, without the good will and aſſent of the archbishops, biſhops, earls, barons, knights burgeſſes, and other freemen of the commonalty of this realm; and by authority of parliament, holden in the twenty-fifth year of king Edward III. it is declared and enacted, that from henceforth no perſon ſhall be compelled to make any loans to the King againſt his will, becauſe ſuch loans were againſt reaſon, and the franchise of the land; and by other laws of this realm it is provided, that none ſhould be charged by any charge or impoſition called a Benevolence, nor by ſuch-like charge; by which the ſtatutes before-mentioned, and other the good laws and ſtatutes of this realm, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent of parliament: Yet, nevertheleſs, of late divers commiſſions, directed to ſundry commiſſioners in ſeveral counties, with inſtructions, have iſſued; by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your majeſty; and many of them, upon their reſuſal ſo to do, have had an oath adminiſtered unto them, not warrantable by the laws and ſtatutes of this realm, and have been conſtrained to become bound to make appearance and give attendance before your privy-council, and in other places, and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted; and divers others charges have been laid and levied upon your people in ſeveral counties, by lord-lieutenants, de-

Anno. 1628. day by the lord-keeper, in the name of both houses; and the Petition being read, the King

puty-lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your majesty, or your privy-council, against the laws and free customs of this realm:

And whereas also by the statute called the Great Charter of the liberties of England, it is declared and enacted, that no freeman may be taken or imprisoned, or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land; and in the eight-and-twentieth year of king Edward III. it was declared and enacted, by authority of parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of law:

Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause shewn; and when, for their deliverance, they were brought before justice, by your majesty's writs of Habeas Corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the cause of their detainer, no cause was certified, but that they were detained by your majesty's special command, signified by the lords of your privy-council; and yet were returned back to several prisons, without being charged with any thing to which they might make answer by due process of law:

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of your people:

And whereas also by authority of parliament, in the twenty-fifth year of the reign of king Edward III. it is declared and enacted, that no man should be forejudged of life or limb against the form of the Great Charter, and laws of the land; and by the said Great Charter, and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament; and

confirmed it in the fullest form; viz. *Soit droit faite comme il est désiré*. On the pronouncing these

Anno 1628.
The King
passes the
Petition of
Right.

and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted, by the laws and statutes of this your realm; nevertheless, of late divers commissions, under your majesty's great seal, have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law, against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever; and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law-martial; by pretext whereof some of your majesty's subjects have been, by some of the said commissioners, put to death; when and where, if by the law and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to, have been adjudged and executed:

And also sundry grievous offenders, by color thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forbore to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

They do therefore humbly pray you most excellent majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act of parliament; and that none be called to make answer, or take such oath, or to give attendance, or to be confined, or otherwise molested or disquieted concerning the same, or for the refusal thereof; and that no freeman, in any such manner as is before mentioned, be imprisoned or detained; and that your majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burthened in time to come; and that the foresaid commissions for proceeding by martial law may be revoked and annulled, and that hereafter no

com-

Anno 1628. words, the Commons gave a general and loud applause*.

The Commons proceed on grievances.

The subject of supply, which had been some time laid aside, was now resumed, and an order passed that the committees for religion, trade, and courts of justice, should cease, and the house to proceed only on grievances of the most moment. Under this head fell a commission to certain state-officers, to consider of ways and means for raising money to supply the exigencies of government. Though there is no mention of an excise in this commission, yet we are told such a scheme had been under consideration immediately before the meeting of parliament; and Mr. Windeham affirmed in the house, that books of precedents were come over, in which the manner of the excise in Holland was related. The commission was

commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest, by color of them, any of your majesty's subjects be destroyed, or put to death, contrary to the laws and franchises of the land.

All which they most humbly pray your most excellent majesty, as their rights and liberties, according to the laws and statutes of this realm; and that your majesty would also vouchsafe to declare, that the awards, doings, and proceedings, to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example; and that your majesty would be also graciously pleased, for the future comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honor of your majesty, and the prosperity of this kingdom.

This Petition of Right was drawn up by Sir Edward Coke. *Statutes at Large*, vol. II. p. 1096, & seq.

* When it was generally known that the Petition had been passed in the proper form, the city of London resounded with the rejoicings of all ranks of people. Bonfires and the ringing of bells proclaimed the applause of the public. *Sander-son's Life of Charles I.* p. 113.

brought into the house,† and afterwards, by the desire of the Lords, cancelled by the King. Sir John Strangeways, though a famous royalist, advised the perfecting the remonstrance on the state of the administration: This advice was acceded to, and a remonstrance framed, setting forth, The unconstitutional system of government which had been lately put in practice; the many innovations which had been made on the liberties of the subject, in consequence of that system; the national dishonor and danger brought on the English from the ill conducting of public affairs; the illegal commission granted to the duke of Buckingham to be general of an army in the land in time of peace*; the dangerous purpose of bringing into the country foreign troops †; the abuses in-

Anno 1628.

Their remonstrance.

† The words of the commission are as follow :

“ And we do hereby authorize and appoint, and strictly will and require you, that, speedily and seriously, you enter into consideration of all the best and speediest ways and means you can, for raising of monies for the most important occasions aforesaid; which, without extremest hazard to us, our dominions, and people, and to our friends and allies, can admit of no long delay; the same to be done by impositions, or otherwise, as in your wisdoms and best judgments ye shall find to be most convenient in a case of this inevitable necessity; wherein form and circumstance must be dispensed with, rather than the substance be lost or hazarded.”

In a conference between the Lords and Commons concerning this commission, the Commons recommended to the Lords to make an enquiry who was the projector of the device; and if he could be found out, to inflict an exemplary punishment on him. *Rusworth*, vol. I. p. 614, & seq. p. 616.

* This could not properly be called a time of peace; it was only a cessation of arms. Such was the prudent jealousy of our ancestors that they could not endure the shadow of a military force, except on occasions of immediate necessity.

† The passage alluded to is as follows: “ We are bold to declare to your majesty, and the whole world, that we hold it far beneath the heart of any free Englishman to think that this victorious nation should now stand in need of German soldiers to defend their own King and the kingdom.”

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Anno 1628. introduced into the œconomy of the finances; the decay of trade; the loss of ships †; the abuse of power; and the late compositions made with Popish recusants*; other grievances relative to the encouragement of Popery and Arminianism †, the

† The committee for trade had brought in a report to the house, that of the shipping of an hundred tons, or upwards, there had been, in the last three years, decayed, cast away, and taken by the enemy, two hundred and forty-eight great ships, and with them a proportionable number of mariners, besides great losses in less vessels; that the merchants whose ships had been taken up twenty, thirty, thirty-six months, all complained that they were not paid the small freight of two shillings *per ton* at first promised. By the means of this discouragement, few of them built new vessels; and those who did build, took care to build them unfit for public service, to avoid their being pressed. *Ephemeris Parliamentaria*, p. 291, & *seq.*

* The Commons here put the King in mind of his answer to their petition at Oxford on this subject; the public resort to masks at the queen's chapel, contrary to the sense of that answer.

† A proclamation had been issued by Charles, forbidding his subjects to publish any religious doctrine, contrary to the discipline of the church of England: The use made of this order was, that all books tending to Puritanism were suppressed, whilst the Arminians enjoyed unmolested the liberty of the press. This abuse of power is particularly instanced in the remonstrance, and the bishops Laud and Neile are mentioned as enjoying too much authority for the safety and and tranquility of the state.

The commons complained that Popery was openly professed in Ireland without controul; that Popish jurisdictions were exercised and avowed: that monasteries, nunneries, and other superstitious houses, were newly erected, re-edified, and replenished with men and women of several orders, and in a plentiful manner maintained at Dublin, and most of of the great towns, and divers other places, of the kingdom of Ireland.

The Papists in Ireland were at this time driving a bargain for an avowed toleration, and offered the terms of maintaining for the King's service five hundred horse and five thousand foot. On this proposal, the Irish bishops unanimously subscribed a protestation, in which they represented that such
a tele-

frequent dissolutions of parliaments were not forgot; and the great trust and power which the duke of Buckingham enjoyed was mentioned as the chief causes of these mischiefs*. To balance the severities in this remonstrance, the subsidy-bill at the same time passed the house, and was sent up to the Lords † when the remonstrance was presented ‡.

The Commons having thus sweetened this bitter pill of reproof with the gift of five subsidies, they entered into debate on the illegal power the King had assumed of exacting tonnage and poundage, without having received that grant from parliament. Mr. Selden proved, that though such supplies had been given time out of mind, yet it was in the sense of a free gift, and the answer to such bills had been ever the same as was the answer to the bill of subsidies; viz. "The King heartily thanketh the subjects for their good will." The result of the debate was a remonstrance to

Their farther debates.

a toleration would be sinful, and a matter of dangerous consequence. On this spirited seasonable opposition, the court of England dropped the affair. *Remonstrance of the Commons. Parl. Hist. Complete Hist. of England, p. 34, & seq.*

* The speaker would have excused himself from presenting this remonstrance; but the Commons insisted on his performing this part of his duty.

† The Lords objected to the form of the bill of subsidies, the Commons having named themselves only in the grant. After one conference on the subject the affair was dropped, and the bill passed without any alteration, Charles not being willing to part with it after it got into the upper house.

‡ With the bill of subsidies the Commons set up the following propositions to the Lords: That the new granted subsidies might be expended in the repairing of the navy royal, and the decayed sea munition. Secondly, in the re-edifying of the breaches made in the forts of the kingdom, and the haven towns. Thirdly, for a speedy aid and assistance to the King of Denmark. And, fourthly, they recommended that the mariners might be paid the wages which had been long due to them. *Ephemeris Parliamentaria, p. 204, & seq.*

Anno 1628. the King on this subject. The Commons shewed that the shortness of their remaining time rendered it impossible for them to perfect such a bill this session, being a business which required conferences with the officers of the revenue, and merchants, not only of London, but of remote parts*. They then represent their undoubted right of assent to this as to other taxes; the illegality of laying any impositions on the subject without act of parliament. They assure themselves that his majesty will observe his answer to the Petition of Right, and refrain for the future from these arbitrary acts.

Charles, inflamed and alarmed at proceedings which levelled an important blow at the independence of the crown, repaired in haste to the house of Lords†, and sent for the Commons, who had already engrossed their remonstrance, and were reading it at the time they were summoned to attend the King, who addressed both houses in the following strain:

The King's
speech on
the remon-
strance.
Parl. Hist.
vol. VIII.
p. 241, &
seq.

“ It may seem strange, says he, that I come so suddenly, before I give my assent to the bills: I will tell you the cause, though I must avow that I owe the account of my actions to God alone. It is known to every one, that awhile ago the house

* The Commons, on granting these bills, settled the rates of impositions; but the crown frequently exceeded these bounds. They had been enormously transgressed by James, and Charles had laid on new impositions, which were much complained of by the merchants.

† Charles's motion on this occasion was so hasty, that neither himself nor the peers were dressed in their formalities. The speaker had been so long with him in the morning that he did not attend his office till nine o'clock. The Commons at this time met early; they usually had finished their business at the hour of twelve. *Parl. Hist.* vol. VIII. p. 241.

of Commons gave me a remonstrance; how acceptable every man may judge; and, for the merit of it, I will not call that in question, for I am sure no wise man can justify it. Now since, I am truly informed that another remonstrance is preparing for me, to take away the profit of my tonnage and poundage, one of the chief maintenance of my crown, by alleging I have given away my right thereto by my answer to your Petition. This is so prejudicial to me, that I am forced to end this session some hours before I meant, being not willing to receive any more remonstrances to which I must give a harsh answer. And since I see that even the house of Commons begins already to make false constructions of what I granted in your Petition, lest it be worse interpreted in the country, I will now make a declaration concerning the true intent thereof. The profession of both houses in the hammering of this Petition was no way to trench upon my prerogative, saying, they had neither intention nor power to hurt it: Therefore, it must needs be conceived, that I have granted no new, but only confirmed the ancient, liberties of my subjects. Yet, to shew the clearness of my intentions, that I neither repent nor mean to recede from any thing I have promised you, I do here declare myself, that those things which have been done, whereby many have had some cause to expect the liberties of the subject to be trenched upon, which indeed was the first and true ground of the Petition, shall not hereafter be drawn into example for your prejudice; and from time to time, on the word of a King, ye shall not have the like cause to complain: But as for tonnage and poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me,

I am

Anno 1628. I am sure, to grant. — To conclude, I command you all who are here, to take notice of what I have spoken at this time to be the true intent and meaning of what I granted you in your Petition; but especially you, my lords the judges, for to you only, under me, belongs the interpretation of the laws: For none of the houses of parliament, either joint or seperate, what new doctrine soever may be raised, have any power to make or declare a law without my consent."

As an antidote to the Bill of Rights, Charles ordered this speech to be entered in the Journals of the Commons. Those bills which were prepared received the royal assent, and the parliament was prorogued to the twentieth of October*.

Parliament
prorogued.

Charles's speech on the occasion of this prorogation shews a want of judgment which renders it a difficult matter to determine which of the two, his head or his heart, most deserves censure. His declaration that tonnage and poundage was excluded in the Bill of Rights, is too wretched a piece of sophistry to suppose it meant for the

* Acts passed this Sessions.

1. The Petition exhibited to his majesty by the Lords spiritual and temporal, and commons, in this present parliament assembled, concerning divers rights and privileges of the subject, with the King's assent thereunto in full parliament.

2. An act for farther reformation of sundry abuses on the Lord's Day, called Sunday.

3. An act for suppressing all unlicensed alehouses.

4. An act to restrain the sending over of any to be popishly bred beyond seas.

5. An act for five entire subsidies granted by the clergy.

6. A declaration of the Commons against Dr. Manwaring.

7. An act for repeal and continuance of divers statutes.

8. An act for the establishing Sutton's hospital.

Several private acts. *Vide Parl. Hist. Statutes at Large. Rushworth.*

purposes

purposes of deceit. He was undoubtedly himself deluded, and passed this Petition without being acquainted with all its importance. When he avowed an intention to confirm the already-granted privileges of the subject, he little understood the largeness of their extent. The usurpations of his predecessors he regarded as unquestionable authorities; and, in his declaration of making no additions to the liberties of the people, he fancied he reserved to himself a power of treading in the footsteps of former tyrants, and exerting every act of violation which had been practised by the most fortunate and most powerful of the English sovereigns. The Commons, more accurate in their judgment, had fathomed the true state of the question: Though the statutes framed by their ancestors to secure public Liberty had, through a concurrence of favorable circumstances, been often infringed with impunity by tyrannical princes, yet they had never been cancelled; and their late confirmation on the subject of the apparent abuse of power gave them a lustre which time and neglect had in some measure darkened. The frequent declarations which Charles made that he had only confirmed the ancient Liberties of the people, by his assent to the Petition of Right, added to its importance, and gave it the weight of an uncontrovertible inheritance. No expressions could be more plain or full than the words of the Petition, or more directly contrary to what Charles had affirmed; namely, that tonnage and poundage was excluded from the sense of it. The Commons plead that they could not be compelled to contribute any tax, tallage, aid, or other like charge, but by common consent in parliament. The vast increase of trade, and the arbitrary charges imposed on it by the late

Anno 1628. and present King, had brought in immense sums to the government. This growing fund Charles, on the opinion of his privy-council, and some of the most corrupted of his judges, thought himself incontestably possessed of: But this was in contradiction to the avowed claims of the Commons, who had early protested against these pretensions; and, from undeniable precedents, proved the justness of their claims *. Such being the state of the question, there must have been a particular clause in the Petition, excluding tonnage and poundage, to have given rationality to Charles's peremptory affirmations.

Parl. Hist.
vol. VIII.
p. 211, &
seq.

Before the conclusion of this session, the Lords had given the Commons ample satisfaction on the justice they demanded on the offender Manwaring. This criminal was sentenced to fine and imprisonment; to make submission and acknowledgment of his offences at the bar of both houses; to be suspended for the term of three years from the exercising of the ministry; to be disabled for ever to preach at court; to be disabled for ever from having any ecclesiastical dignity; that his book being worthy to be burnt, his majesty be moved to grant a proclamation to call in the printed copies, that they might be burnt in London, and in both the universities; and for the inhibiting the printing thereof hereafter, upon a great penalty †.

* The Commons shew in their remonstrance, that a certain space of intermission was often observed in this grant, that the right of the subject might be more evident.

† The Lords made a kind of apology for a sentence which they termed too mild for the offences of the criminal; the attributing to the King a participation of God's omnipotence, and an absolute power of government, his scandalous assertions against parliaments, and his branding those gentlemen with damnation who refused the loan.

Part of the charge the Commons brought against him was the preaching a second sermon of the same tendency as the first,

When Manwaring was first brought to the bar, Anno 1628. he attempted to vindicate his writings on the same absurd principles on which he had established his doctrine †. On this occasion the reverend prelate Abbot reprimanded him for the ill use of the favor that house had done him, in giving him time to recollect himself before he was called to answer. “ I see in you, says he, that there are some men who are *miseri, sed non miserendi*. I am sorry to hear such an answer to the accusation of the Commons.” To this the archbishop added, that he both disliked and abhorred his sermons: Touching the participation they gave the King

first, at his parish-church, after the commencement of the parliament. *Parl. Hist.* vol. VIII. p. 204, 210.

† Relying on a favorable interpretation from the bishops, he desired the spiritual lords might be judges of the inferences and logical deductions in his sermons. The house reprimanded him for this request, as an attempt to divide his judges.

On an enquiry the Lords had made touching the authorizing this publication, Montaign bishop of London, and Laud bishop of Bath and Wells, flung the whole blame on the King, and protested that the sermon was published by his absolute command, and not by their approbation.

During the course of this session, the lord Suffolk had been accused by Sir John Strangeways of having averred that Mr. Selden had erased a record, and deserved to be hanged for it. This the earl had the meanness to deny: He was confuted by several witnesses.

The house of Lords passed a very arbitrary sentence on one Wakeland, who had printed an erroneous list of the names of the nobility. He was brought to the bar of their house, where he produced a warrant under the hand of secretary Conway: This warrant was judged insufficient for his indemnification: He was ordered to stand committed to the Fleet, and commanded to bring in his books to be burnt, and print no more of that nature without the approbation of the earl marshal, *Parl. Hist.* vol. VIII. p. 205, 212, & seq. *Journals of the Commons*, vol. I. p. 883, & seq. *Journal of the Lords*, vol. I. p. 406.

Anno 1628. with God, that it was very blasphemy; touching the other his assertion, that there is no justice but between equals, not between God and man, the parent and his children, nor between the King and his people, it was impious and false, and that he had drawn an infamy upon his country and religion. The archbishop ended this admonition with putting Manwaring in mind of the judgment inflicted by the king of Cyprus on the philosopher Anasarchis, to be brayed in a brazen mortar, as a proper judgment on all flatterers of princes.

END of the FIRST VOLUME.







